

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF HAWAII

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WAYNE MILLER (CONTINUED EXAMINATION)

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RESUMED DIRECT EXAMINATION BY MR. INCIONG

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08:31AM 1 RESUMED DIRECT EXAMINATION

08:31AM 2 BY MR. INCIONG:

08:31AM 3 Q Good morning, Mr. Miller.

08:31AM 4 A Good morning.

08:31AM 5 Q So yesterday do you recall one of the first things we

08:31AM 6 talked about was the plea agreement that you entered into in

08:31AM 7 this case?

08:31AM 8 A Yes.

08:31AM 9 THE COURT: Mr. Inciong, I'm sorry, can I just

08:31AM 10 interrupt you one second.

08:31AM 11 Mr. Miller, I will remind you we did not ask you to

08:31AM 12 retake the same oath that you took yesterday, but I will remind

08:31AM 13 you that you remain subject to that oath. Do you understand

08:31AM 14 that?

08:31AM 15 THE WITNESS: Yes.

08:31AM 16 THE COURT: Okay. I apologize.

08:31AM 17 MR. INCIONG: No problem. Thank you.

08:31AM 18 BY MR. INCIONG:

08:31AM 19 Q Do you recall discussing your plea agreement, Mr. Miller?

08:31AM 20 A Yes.

08:31AM 21 Q And what was the charge that you pled guilty to in that

08:31AM 22 plea agreement?

08:31AM 23 A Racketeering conspiracy.

08:31AM 24 Q Were there some specific racketeering acts that you

08:31AM 25 admitted to as part of your plea agreement?

08:31AM 1 A Yes.

08:31AM 2 Q Can you tell the jury what those were?

08:31AM 3 A Murder, murder for hire, drugs, kidnapping, obstruction --

08:31AM 4 obstruction of justice.

08:31AM 5 Q When you say "drugs," are you referring to drug

08:31AM 6 distribution?

08:31AM 7 A Yes.

08:32AM 8 Q You also identified Mr. Miske as the leader of the

08:32AM 9 enterprise that you admitted to being a part of as well,

08:32AM 10 correct?

08:32AM 11 A Yes.

08:32AM 12 Q Did you agree with Mr. Miske to commit or attempt to

08:32AM 13 commit each of those racketeering acts you just described,

08:32AM 14 murder, murder for hire, kidnapping, drug distribution, and

08:32AM 15 obstruction of justice?

08:32AM 16 A Yes.

08:32AM 17 Q You also named a number of other enterprise members that

08:32AM 18 you had agreed with as well yesterday. Do you recall that?

08:32AM 19 A Yes.

08:32AM 20 Q Did you agree with at least some of those members to

08:32AM 21 commit or attempt to commit those same racketeering acts as

08:32AM 22 well?

08:32AM 23 A Yes.

08:32AM 24 Q Now, yesterday you talked a little bit about growing up in

08:32AM 25 Waimanalo, correct?

08:32AM 1 A Correct.

08:32AM 2 Q So I wanted to show you a couple of maps at this point

08:32AM 3 just to kind of give us a frame of reference, okay?

08:32AM 4 MR. INCIONG: Your Honor, if we could show to

08:32AM 5 Mr. Miller Exhibit 1-15-C. This was added in our supplemental

08:32AM 6 exhibit list yesterday.

08:33AM 7 THE COURT: All right.

08:33AM 8 BY MR. INCIONG:

08:33AM 9 Q Does that image appear on the screen in front of you, sir?

08:33AM 10 A Yes.

08:33AM 11 Q Do you recognize what that is?

08:33AM 12 A Yes.

08:33AM 13 Q How do you recognize that?

08:33AM 14 A This is Oahu, the island.

08:33AM 15 Q Does that map -- are you also looking -- looking at that

08:33AM 16 are you able to tell where Waimanalo is located on that map?

08:33AM 17 A Yes.

08:33AM 18 MR. INCIONG: Your Honor, I would move to admit

08:33AM 19 Exhibit 1-15-C.

08:33AM 20 THE COURT: Any objection?

08:33AM 21 MR. KENNEDY: No objection.

08:33AM 22 THE COURT: Without objection, Exhibit 1-15-C is

08:33AM 23 admitted. You may publish.

08:33AM 24 (Exhibit 1-15-C was received in evidence.)

08:33AM 25 MR. INCIONG: Thank you, Your Honor.

08:33AM 1 BY MR. INCIONG:

08:33AM 2 Q So if you could -- you can use your finger on the touch

08:33AM 3 screen, I believe, Mr. Miller. If you can just circle or put

08:33AM 4 an X on -- on the area of Waimanalo where you described

08:33AM 5 yesterday where you grew up.

08:33AM 6 A (Witness complies.)

08:33AM 7 Q Okay. So just off -- you're off the coast there --

08:33AM 8 A Yeah.

08:33AM 9 Q -- on the southeast tip of the island?

08:33AM 10 A Yes.

08:33AM 11 MR. INCIONG: Could I have Exhibit 3-2, please, pulled

08:33AM 12 up for Mr. Miller only.

08:33AM 13 BY MR. INCIONG:

08:34AM 14 Q Do you recognize the map that's shown in Exhibit 3-2, sir?

08:34AM 15 A Yes.

08:34AM 16 Q How do you recognize that?

08:34AM 17 A That's my -- that's my hometown where I grew up.

08:34AM 18 Q Does that -- that map accurately show Waimanalo as you

08:34AM 19 know it?

08:34AM 20 A Yes.

08:34AM 21 MR. INCIONG: Your Honor, I would move to admit

08:34AM 22 Exhibit 3-2.

08:34AM 23 THE COURT: Any objection?

08:34AM 24 MR. KENNEDY: No objection.

08:34AM 25 THE COURT: Without objection, 3-2 is admitted, and

08:34AM 1 you may publish.

08:34AM 2 (Exhibit 3-2 was received in evidence.)

08:34AM 3 MR. INCIONG: Thank you, Your Honor.

08:34AM 4 BY MR. INCIONG:

08:34AM 5 Q Now, Mr. Miller, this is the map of Waimanalo, correct?

08:34AM 6 A Yes.

08:34AM 7 Q So does this show where you grew up as a boy where you --

08:34AM 8 where you testified about yesterday?

08:34AM 9 A Yes.

08:34AM 10 Q Could you indicate approximately, you know, where -- where

08:34AM 11 your neighborhood was on that map?

08:34AM 12 A I grew up in this area right here (indicating). I mean

08:34AM 13 this whole town is little, so I grew up right there.

08:34AM 14 Q Okay. So --

08:34AM 15 A Right by that church right there.

08:35AM 16 Q All right. So that's right near Kalanianaole Highway?

08:35AM 17 A Yes.

08:35AM 18 Q And close to the beach, Waimanalo Beach as well?

08:35AM 19 A Yes.

08:35AM 20 Q Okay. Yesterday you talked about Joe Boy Tavares. Do you

08:35AM 21 recall that?

08:35AM 22 A Yes.

08:35AM 23 Q And you had said that you had kept an eye or kept tabs on

08:35AM 24 Joe Boy Tavares at some point on behalf of Mr. Miske, correct?

08:35AM 25 A Yes.

08:35AM 1 Q Where did Joe Boy Tavares live approximately? If you can
08:35AM 2 show on this map as well.
08:35AM 3 Can you -- can you put a little darker X or bigger X
08:35AM 4 on that spot, just to be sure. There we go.
08:35AM 5 A (Witness complies.)
08:35AM 6 Q So that green circle, that's the approximate area?
08:35AM 7 A I think so, because no more name, but I'm pretty sure it
08:35AM 8 was right there.
08:35AM 9 Q Okay. Do you have -- did you have a term or what you
08:35AM 10 called that part of that area of Waimanalo?
08:35AM 11 A Yes.
08:35AM 12 Q What did you call that?
08:35AM 13 A Back roads.
08:35AM 14 Q Because is that literally the back of Waimanalo leading
08:36AM 15 right up to only the mountains are behind it?
08:36AM 16 A Yes.
08:36AM 17 Q What kind of property did Joe Boy Tavares live on? Was it
08:36AM 18 home, a ranch or a farm?
08:36AM 19 A Like one ranch farmhouse.
08:36AM 20 Q Were there animals that were kept there that you knew
08:36AM 21 about?
08:36AM 22 A Yes.
08:36AM 23 Q What kind?
08:36AM 24 A Chickens.
08:36AM 25 Q I think when we left off yesterday you talked about you

08:36AM 1 had kind of escalated your crimes. You had gone from stealing
08:36AM 2 from tourists to doing robberies, robbing from drug dealers.
08:36AM 3 Did any of those robberies involve firearms? Were you armed
08:36AM 4 during that time?
08:36AM 5 A Yes.
08:36AM 6 Q Let me take you to the year 2021 -- actually the very end
08:36AM 7 of the year, December of 2021. Did you rob a bank at that
08:36AM 8 time?
08:36AM 9 A December of '21?
08:37AM 10 Q I'm sorry, 2001. My mistake. December 2001.
08:37AM 11 A Oh, yes.
08:37AM 12 Q My apologies. What bank did you rob?
08:37AM 13 A Bank in Kailua.
08:37AM 14 Q How did that come about?
08:37AM 15 A A couple of us, we just -- it wasn't planned or anything.
08:37AM 16 We was at the -- we was at the beach kicking back, and then
08:37AM 17 just talking about 'em, and we just ended up going. And we
08:37AM 18 just painted the whole --
08:37AM 19 Q So who is "we," first of all?
08:37AM 20 A Me, my friend Gavin Koa and Ikaika Garcia.
08:37AM 21 Q Okay. So you said it wasn't planned.
08:37AM 22 A It wasn't planned.
08:37AM 23 Q So you were at the beach.
08:37AM 24 A Yeah.
08:37AM 25 Q So how did -- how did the idea come about then?

08:37AM 1 A We just was talking, we just -- we just bullshitting
08:37AM 2 around talking about 'em, and then -- first it was only two of
08:37AM 3 us, and then one of my friends was on his way to -- he had to
08:37AM 4 go to some type of prom or something.
08:37AM 5 And then -- so we went -- I forget where we went, but
08:38AM 6 we went somewhere and stole -- stole a car, drove through
08:38AM 7 Kaneohe, through Aikahi, through Kailua, and then just ended up
08:38AM 8 on -- on that bank right there that we -- that we ended up
08:38AM 9 robbing.
08:38AM 10 Q Had you gotten the idea from watching any particular
08:38AM 11 movie?
08:38AM 12 A Oh, yeah, yeah. So first we was talking -- we was talking
08:38AM 13 about watching a movie on Point Break, and --
08:38AM 14 Q What is the movie Point Break about?
08:38AM 15 A About some surfers that -- that rob banks.
08:38AM 16 Q Had you watched that movie recently at the time you were
08:38AM 17 talking about it?
08:38AM 18 A I don't know if I watched it, but we was -- we was talking
08:38AM 19 about 'em.
08:38AM 20 Q Okay. Is that where you got the idea from?
08:38AM 21 A Yes.
08:38AM 22 Q All right. So how did you select the particular bank that
08:38AM 23 you happened to choose?
08:38AM 24 A Well, like I said, we was driving -- after we stole the
08:38AM 25 car, we was driving through Kaneohe, Aikahi, Kailua. And --

08:38AM 1 and was just -- was in a secluded area, so, yeah, we just
08:39AM 2 pulled up right there. And -- and I turned -- I turned around
08:39AM 3 looked both of them, and they was like putting their masks on,
08:39AM 4 ready to go.

08:39AM 5 We opened the door. I kicked in the door. I was the
08:39AM 6 only one that had a gun, you know. And so I stood by the door.
08:39AM 7 When I kicked open the door, everybody -- before I even said
08:39AM 8 anything, everybody just immediately laid down. The two other
08:39AM 9 guys jumped over the counter, went around to each one and
08:39AM 10 grabbed money, and then -- and then we left, drove that car,
08:39AM 11 switched cars, jumped in another car, and then -- then drove
08:39AM 12 away.

08:39AM 13 Q How old were you at the time?

08:39AM 14 A Eighteen years old.

08:39AM 15 Q Had you just graduated from high school earlier that year?
08:39AM 16 A Yes, sir.

08:39AM 17 Q How old were the two other people with you?

08:39AM 18 A I'm not sure. I'm not sure. I'm not sure.

08:39AM 19 Q Do you know were they under 18?

08:39AM 20 A They might have been, but we was all born in the -- in the
08:40AM 21 same year.

08:40AM 22 Q Okay. Now, you mentioned that you saw -- when you turned
08:40AM 23 around to look in the back seat, you saw the other two putting
08:40AM 24 masks on.

08:40AM 25 A Yes.

08:40AM 1 Q Were you wearing a mask as well?

08:40AM 2 A Yes.

08:40AM 3 Q You said you were the only one armed?

08:40AM 4 A Yes.

08:40AM 5 Q Do you recall what kind of gun you had?

08:40AM 6 A A smaller shot -- smaller shotgun, was about that big

08:40AM 7 (indicating).

08:40AM 8 Q So you left the bank, you dropped the stolen car, got into

08:40AM 9 another car, drove away.

08:40AM 10 A Yes.

08:40AM 11 Q Were you apprehended that day?

08:40AM 12 A No.

08:40AM 13 Q Did you think you got away with it?

08:40AM 14 A Yes.

08:40AM 15 Q Did Mr. Miske have anything to do with that bank robbery?

08:40AM 16 A No.

08:40AM 17 Q Did you rob another bank after that?

08:40AM 18 A Yes.

08:40AM 19 Q How much longer -- how much later did that happen?

08:40AM 20 A I don't know, maybe less than a year.

08:40AM 21 Q Where was that bank?

08:40AM 22 A Pearl City.

08:40AM 23 Q How did that come about?

08:40AM 24 A Pretty much the same thing. Same thing, one less guy.

08:41AM 25 Same -- same -- one of the same guys but one less.

08:41AM 1 Q And were you -- did you get arrested on the day you robbed
08:41AM 2 that second bank?
08:41AM 3 A No.
08:41AM 4 Q Did you think you had gotten away with that?
08:41AM 5 A Yes.
08:41AM 6 Q So at that time did you feel like you could get away with
08:41AM 7 these types -- sorts of crimes?
08:41AM 8 A Yes.
08:41AM 9 Q Did you rob any other banks after that?
08:41AM 10 A No.
08:41AM 11 Q Were you eventually arrested for those bank robberies?
08:41AM 12 A Yes.
08:41AM 13 Q When were you arrested?
08:41AM 14 A 2005.
08:41AM 15 Q So quite a bit of time had passed, correct?
08:41AM 16 A Right.
08:41AM 17 Q Where were you arrested?
08:41AM 18 A In Las Vegas.
08:41AM 19 Q What were you doing in Las Vegas at the time.
08:41AM 20 A My -- my girlfriend at the time was going to school at
08:41AM 21 UNLV.
08:41AM 22 Q So were you brought back to Hawaii to face the charges?
08:41AM 23 A Yes.
08:41AM 24 Q Was that case handled right here in this courthouse?
08:41AM 25 A Yes -- not this one, but --

08:42AM 1 Q The federal courthouse?

08:42AM 2 A Yes.

08:42AM 3 Q It was not a state case, correct?

08:42AM 4 A No.

08:42AM 5 Q Did you fight the charges?

08:42AM 6 A No.

08:42AM 7 Q So you pled guilty?

08:42AM 8 A Yes.

08:42AM 9 Q What were the terms of your -- your plea agreement with

08:42AM 10 the government, if you recall?

08:42AM 11 A They -- they dropped one, and I pled guilty to the other

08:42AM 12 one.

08:42AM 13 Q Was there a firearm charge as well?

08:42AM 14 A Yes.

08:42AM 15 Q What was that?

08:42AM 16 A Just using a gun in the commission of a crime.

08:42AM 17 Q Okay. Now, when you were -- that case was being handled

08:42AM 18 or being processed through the system, did you have an

08:42AM 19 attorney?

08:42AM 20 A Yes.

08:42AM 21 Q Did you have any communication with Mr. Miske after you

08:42AM 22 were arrested for that charge?

08:42AM 23 A Yes.

08:42AM 24 Q What was your -- the nature of your communication with

08:42AM 25 Mr. Miske?

08:42AM 1 A Just we -- we was -- we was real good friends, so we used
08:42AM 2 to -- we used to talk, we used to write, we used to -- yeah.
08:43AM 3 Q Okay. Did he offer to help you in any way with your case?
08:43AM 4 A Yes.
08:43AM 5 Q How so?
08:43AM 6 A He just asked me if -- he told me he had -- he had an
08:43AM 7 attorney, this guy named Reggie Minn, if I wanted to -- but at
08:43AM 8 that time I was pleading guilty, so...
08:43AM 9 Q So you didn't take him up on that offer?
08:43AM 10 A No.
08:43AM 11 Q Did you cooperate with the government during that case?
08:43AM 12 A No.
08:43AM 13 Q Why not?
08:43AM 14 A I mean that wasn't even in my -- that wasn't even in my --
08:43AM 15 in my head -- cooperating wasn't even in my head at that time.
08:43AM 16 You know, like it wasn't even part of my vocabulary.
08:43AM 17 Q Okay. Well, looking back --
08:43AM 18 A My thoughts.
08:43AM 19 Q Looking back, did you have information against Mr. Miske,
08:43AM 20 for example, that you could have provided to the government had
08:43AM 21 that been in your vocabulary?
08:43AM 22 A Yeah. I mean...
08:43AM 23 Q So what -- do you remember when you actually pled guilty
08:43AM 24 approximately to the bank robbery and the firearm charge?
08:44AM 25 A 2005.

08:44AM 1 Q So the same year you were arrested?

08:44AM 2 A Yes.

08:44AM 3 Q Were you sentenced shortly after that?

08:44AM 4 A Yes.

08:44AM 5 Q What sentence did you receive?

08:44AM 6 A Almost ten years, hundred-something months. Nine years

08:44AM 7 and something.

08:44AM 8 Q So you were a convicted felon at that point?

08:44AM 9 A Yes.

08:44AM 10 Q Where did you serve your prison sentence, sir?

08:44AM 11 A In a BOP on the mainland. Multiple.

08:44AM 12 Q All right. As you were getting ready to be sentenced in

08:44AM 13 that case, did you have individuals write letters in support of

08:44AM 14 you that they could submit to the court?

08:44AM 15 A Yes.

08:44AM 16 Q Was Mr. Miske one of those?

08:44AM 17 A Yes.

08:44AM 18 MR. INCIONG: Your Honor, if I could have

08:44AM 19 Exhibit 1-763 pulled up for Mr. Miller?

08:44AM 20 THE COURT: Yes, go ahead.

08:44AM 21 BY MR. INCIONG:

08:44AM 22 Q Mr. Miller, do you recognize Exhibit 1-763?

08:44AM 23 A Yes.

08:44AM 24 Q How do you recognize that?

08:45AM 25 A It's -- it's a letter from Mike Miske.

08:45AM 1 Q Is that the letter specifically that he submitted to the
08:45AM 2 court on your behalf in the bank robbery case?

08:45AM 3 A Yes.

08:45AM 4 MR. INCIONG: Your Honor, I would ask the Court to
08:45AM 5 take judicial notice of this court-filed document, and move to
08:45AM 6 admit it based on Mr. Miller's foundation of this letter.

08:45AM 7 THE COURT: Any objection?

08:45AM 8 MR. KENNEDY: Just renewing the earlier objection,
08:45AM 9 Your Honor.

08:45AM 10 THE COURT: All right. That objection is overruled.
08:45AM 11 This exhibit will come into evidence. That's 1-763. You may
08:45AM 12 publish.

08:45AM 13 (Exhibit 1-763 was received in evidence.)

08:45AM 14 MR. INCIONG: Thank you, Your Honor.

08:45AM 15 BY MR. INCIONG:

08:45AM 16 Q Now, Mr. Miller, this is the letter that was submitted
08:45AM 17 it's dated March 30th of 2006, correct?

08:45AM 18 A Correct.

08:45AM 19 Q Prior to coming to court today, did you have a chance to
08:45AM 20 review and read the letter?

08:45AM 21 A Yes.

08:45AM 22 Q Are the contents of that letter accurate?

08:46AM 23 A Yes.

08:46AM 24 Q Does that accurately describe your relationship with
08:46AM 25 Mr. Miske at that time?

08:46AM 1 A Yes.

08:46AM 2 Q I'd like to focus on a couple of areas of this letter. If
08:46AM 3 you can look at, please, the third paragraph starting with
08:46AM 4 "Miller" in quotes.

08:46AM 5 It says: "Miller, the nickname that I've called him
08:46AM 6 for the past 11 years, and I have been really good friends for
08:46AM 7 a long time."

08:46AM 8 So that -- that's all accurate?

08:46AM 9 A Yes.

08:46AM 10 Q Miller is what he called you?

08:46AM 11 A Yes.

08:46AM 12 Q And I think -- I believe yesterday you testified how you
08:46AM 13 referred to him. Do you remember that, testifying to that?

08:46AM 14 A Yes.

08:46AM 15 Q What did you call Mr. Miske typically?

08:46AM 16 A Mikey.

08:46AM 17 Q Anything else?

08:46AM 18 A I can't -- I can't think of it right now.

08:46AM 19 Q So let's read -- the next sentence says: "I'm a little
08:46AM 20 older but only by several years."

08:47AM 21 Yesterday you testified as to how much age difference
08:47AM 22 there is, correct?

08:47AM 23 A Yes.

08:47AM 24 Q How -- how much older is Mr. Miske than you?

08:47AM 25 A Almost ten years.

08:47AM 1 Q Okay. And then the next sentence: "We managed to become
08:47AM 2 tight friends even with the age difference."

08:47AM 3 Is that true?

08:47AM 4 A Yes.

08:47AM 5 Q The next sentence: "There are plenty of friends that I
08:47AM 6 keep in touch from my younger days, but of all -- out of all
08:47AM 7 these many acquaintances," in quotes, "there is only a select
08:47AM 8 few that I consider to be my true friends."

08:47AM 9 And then the next paragraph: "Miller is definitely
08:47AM 10 one of those rare friends that I can always count on to be
08:47AM 11 there for me if I ever needed anything."

08:47AM 12 Is that true?

08:47AM 13 A Yes.

08:47AM 14 Q "That's the number one quality that I admire in Miller is
08:47AM 15 his loyalty as a friend. Not only is he reliable, but he's got
08:47AM 16 to be one of the funniest guys around because he's constantly
08:47AM 17 making you laugh."

08:47AM 18 Does that accurately describe your relationship?

08:48AM 19 A Yes.

08:48AM 20 Q Okay. Now, if we go to the next paragraph, the second to
08:48AM 21 last line of that paragraph beginning with, "I truly feel" --
08:48AM 22 do you see that portion?

08:48AM 23 I think it's highlighted now at the end of that first
08:48AM 24 line. "I truly feel and strongly believe that deep down inside
08:48AM 25 Miller is a good person who unfortunately has made bad choices

08:48AM 1 in his short and young life."

08:48AM 2 Do you see that?

08:48AM 3 A Yes.

08:48AM 4 Q Do you agree with that?

08:48AM 5 A Yes.

08:48AM 6 Q And then the next paragraph down: "He has a heart that is

08:48AM 7 genuine, and I sincerely value him as a friend. I have two

08:48AM 8 brothers in my family, and I consider Miller like my third

08:48AM 9 brother."

08:48AM 10 MR. INCIONG: Oh, looks like we lost our signal.

08:48AM 11 The third paragraph from the bottom: "He has a heart

08:49AM 12 that is genuine," please.

08:49AM 13 Can we enlarge that?

08:49AM 14 BY MR. INCIONG:

08:49AM 15 Q Can you see that, sir? Can you see that okay?

08:49AM 16 Would you say that's accurate?

08:49AM 17 A Yes.

08:49AM 18 Q You testified yesterday I believe when I asked how you

08:49AM 19 considered this relationship, and I said brother, father

08:49AM 20 figure, friend, and I believe your answer was all of the above?

08:49AM 21 A Yes.

08:49AM 22 MR. INCIONG: Okay. Thank you. We can take that

08:49AM 23 down.

08:49AM 24 BY MR. INCIONG:

08:49AM 25 Q So you were sent to the mainland for prison -- to prison,

08:49AM 1 correct?

08:49AM 2 A Correct.

08:49AM 3 Q Did you continue to have any contact or communications

08:49AM 4 with Mr. Miske while you were in prison?

08:49AM 5 A Yes.

08:49AM 6 Q What kinds of communication did you have?

08:49AM 7 A Talking, letters. You know, normal -- that's the only way

08:50AM 8 you can communicate in prison at the time.

08:50AM 9 Q Okay. Did you maintain your friendship with him?

08:50AM 10 A Yes.

08:50AM 11 Q Would you say it stayed the same or did it kind of fall

08:50AM 12 off a little bit because of the distance and the time?

08:50AM 13 A Nah. Stayed the -- stayed the same. Maybe we got even

08:50AM 14 closer. You know, I used to talk to him a lot.

08:50AM 15 Q So that was a long prison sentence, right?

08:50AM 16 A Yes.

08:50AM 17 Q And you maintained that contact throughout?

08:50AM 18 A Yes.

08:50AM 19 Q As your release date started to approach, you were going

08:50AM 20 to get out at some point obviously, correct?

08:50AM 21 A Correct.

08:50AM 22 Q Did you and Mr. Miske have conversations about life after

08:50AM 23 you were released from prison?

08:50AM 24 A Well, he told me he -- at those times he was telling me he

08:50AM 25 got -- he was growing, he was -- he did a lot of stuff. He got

08:50AM 1 more connections, you know. Stuff like that. Job connections.

08:50AM 2 Q Okay.

08:51AM 3 A And he told me he was doing very well.

08:51AM 4 Q So did you talk with him about any plans for you as far as

08:51AM 5 what you were going to do when you got out?

08:51AM 6 A Yeah, he told me when I got out, I could -- if I wanted to

08:51AM 7 work at -- if I wanted to work at the movies, he could -- he

08:51AM 8 could do that. If I wanted to -- if I wanted to get in to on

08:51AM 9 the docks, he could do that.

08:51AM 10 Q So these are union jobs you're referencing?

08:51AM 11 A Yes.

08:51AM 12 Q So this is like the stevedores at the docks?

08:51AM 13 A Yes.

08:51AM 14 Q Is that the Teamsters that work with the transportation

08:51AM 15 for the movies?

08:51AM 16 A Yes.

08:51AM 17 Q Were you interested in -- in either of those?

08:51AM 18 A Yes.

08:51AM 19 Q So when -- when did you actually -- when were you

08:51AM 20 scheduled to be released from prison?

08:51AM 21 A 2013.

08:51AM 22 Q So just prior to being released from prison, did you have

08:51AM 23 some medical issues?

08:51AM 24 A Yes.

08:51AM 25 Q What were your medical issues?

08:51AM 1 A I had one of my -- my aorta ripped -- my aortic valve
08:52AM 2 ripped, and I had -- they took me to the hospital. I was in --
08:52AM 3 I was in Oregon at the time, incarcerated in Oregon. And one
08:52AM 4 of my valves ripped, so they rushed me to the hospital, they
08:52AM 5 put in a new -- they put a new valve in there, and I stay in
08:52AM 6 the hospital for some time, and then they brought me back.
08:52AM 7 Q So this is -- sounds like there was a surgery involved?
08:52AM 8 A Yes.
08:52AM 9 Q Was there -- was this a life-threatening situation?
08:52AM 10 A Yes.
08:52AM 11 Q Describe that.
08:52AM 12 A Yeah, I had -- I had a slim chance of surviving that,
08:52AM 13 but -- yeah, it was open heart surgery, they cut me open, put a
08:52AM 14 whole new valve -- aortic valve in my -- in my heart.
08:52AM 15 Q But the surgery was successful?
08:52AM 16 A Yes.
08:52AM 17 Q You survived that obviously?
08:52AM 18 A Yes.
08:52AM 19 Q How long were you in the hospital before you were released
08:53AM 20 back into the prison?
08:53AM 21 A I was in there for some time. Some weeks I would say.
08:53AM 22 Q But eventually you were cleared and went back into the
08:53AM 23 facility?
08:53AM 24 A Yes.
08:53AM 25 Q Were there complications that happened after that?

08:53AM 1 A Yes. A few weeks after when I came back, I started some
08:53AM 2 new medication, some -- some blood thinners that I had to take.
08:53AM 3 So they couldn't get the -- the levels the same, and a clot --
08:53AM 4 one blood clot went into that valve, so they had to rush me
08:53AM 5 back to the hospital.
08:53AM 6 Q Okay. How did they treat that situation?
08:53AM 7 A Same thing. They had to cut 'em back open, go inside,
08:53AM 8 pull that clot out, and sew me back up. And I stayed in the
08:53AM 9 hospital again for -- for a few weeks.
08:53AM 10 Q So that was the second open heart surgery?
08:53AM 11 A Yes.
08:53AM 12 Q But you came out of that okay as well?
08:53AM 13 A Yes.
08:53AM 14 Q All right. So eventually did that delay your release at
08:53AM 15 all from prison?
08:53AM 16 A Yeah, because I was scheduled to go to the halfway house
08:54AM 17 but I was in the hospital. So when I came back, they got all
08:54AM 18 the paperwork together and then --
08:54AM 19 Q Okay. So you were released from prison into a halfway
08:54AM 20 house.
08:54AM 21 A Yes.
08:54AM 22 Q Where was that halfway house?
08:54AM 23 A In Honolulu.
08:54AM 24 Q Okay. So you came back to Hawaii for that.
08:54AM 25 A Yes.

08:54AM 1 Q All right. So during this time when all of this was going
08:54AM 2 on with your surgeries and so forth, are you still in
08:54AM 3 communication with Mr. Miske?
08:54AM 4 A Yes.
08:54AM 5 Q Does he know when you're going to be arriving in Hawaii?
08:54AM 6 A Yes.
08:54AM 7 Q Okay. So when you arrived and landed in Honolulu, was
08:54AM 8 there anybody there to greet you?
08:54AM 9 A Yes.
08:54AM 10 Q Who was there?
08:54AM 11 A Miske -- Mike Miske and his brother Johnnie Stancil.
08:54AM 12 Q Were you surprised to see them there?
08:54AM 13 A No.
08:54AM 14 Q You were expecting that?
08:54AM 15 A Yes.
08:54AM 16 Q So what did you do as soon as you were picked up by
08:54AM 17 Mr. Miske and Mr. Stancil?
08:54AM 18 A We started talking. We started just -- I had to get right
08:54AM 19 to the halfway house, so we only had -- only had like
08:55AM 20 20 minutes to actually get to the halfway house from getting
08:55AM 21 off the plane. So we stopped at Zippy's. We was talking,
08:55AM 22 stopped at Zippy's, couple Zip Pacs, and they took me to the
08:55AM 23 halfway house and dropped me off.
08:55AM 24 Q Okay. So was there any discussion in that, I guess,
08:55AM 25 short -- you know, short time from the airport to Zippy's to

08:55AM 1 the halfway house as to what you were going to be doing?

08:55AM 2 A Yeah, well, he told me right there, Hey, when you get

08:55AM 3 inside there, tell them -- let them know you got one job

08:55AM 4 already. You get one job, you already hired, they're waiting

08:55AM 5 for you, you can start tomorrow.

08:55AM 6 Q When you say "he," who are you referring to?

08:55AM 7 A Mike Miske.

08:55AM 8 Q Did he say what this job was?

08:55AM 9 A No. Just -- was really just one job on paper, just to get

08:55AM 10 me out of the halfway house.

08:55AM 11 Q So how did that work? How did you -- what did you tell

08:55AM 12 the halfway house?

08:55AM 13 A Yeah, I went in there, got all my stuff together. The

08:56AM 14 next day -- I got there at night, so it was already night, it

08:56AM 15 was already dark. So the next day when the -- when the staff

08:56AM 16 came in -- when the halfway house staff came in, I told them --

08:56AM 17 I told them, Hey, I already have a job waiting. I don't

08:56AM 18 gotta -- I don't gotta go out and get -- get applications and

08:56AM 19 everything like that. So, yeah, that -- I told them, and then

08:56AM 20 they made me fill out some paperwork.

08:56AM 21 I called up Miske, asked him what -- what I had to put

08:56AM 22 down, his name. One other guy Alfredo Cabael, I had to put his

08:56AM 23 number down. And -- yeah, he -- so the next day after I came,

08:56AM 24 Miske came to the halfway house, dropped me off bags of

08:56AM 25 clothes, a phone. Everything I needed, he came to the halfway

08:57AM 1 house and dropped that off.

08:57AM 2 Q Did he give you any money?

08:57AM 3 A Yeah, he gave me some money.

08:57AM 4 Q Was there anything about the money that caught your

08:57AM 5 attention?

08:57AM 6 A I mean not really. He always got -- he always got money,

08:57AM 7 just in -- he just peel off some -- some off his wad that he

08:57AM 8 had, and he gave me -- he gave me one stack of money like that.

08:57AM 9 Q Okay. Now, when you went and told the halfway house that

08:57AM 10 you -- you already had a job already, did you really believe

08:57AM 11 you actually had a job?

08:57AM 12 A No. It was just -- it was just -- it was just to get out

08:57AM 13 the halfway house. It was just to leave the halfway house.

08:57AM 14 Q So were you given instructions on how -- to indicate how

08:57AM 15 you were going paid or what your hours were?

08:57AM 16 A Yeah, he told me that -- Miske told me that, Hey, we just

08:57AM 17 going to put down as salary so -- so these people cannot keep

08:58AM 18 track of your hours, and you're going to be on call. You know,

08:58AM 19 like we don't gotta put down set hours when you're going to

08:58AM 20 work. So you just call. Most of the time I called Alfredo --

08:58AM 21 Fredo Cabael.

08:58AM 22 Q So you mentioned his name again. So who is Alfredo

08:58AM 23 Cabael?

08:58AM 24 A One of Mikey's -- one of these guys that used to work for

08:58AM 25 Mikey.

08:58AM 1 Q Worked for him at where? At what --
08:58AM 2 A Kama'aina.
08:58AM 3 Q Kama'aina Termite and Pest Control?
08:58AM 4 A Yeah, he used to work -- he used to work at all -- at
08:58AM 5 every one -- at every one of his businesses.
08:58AM 6 Q Okay. Had you met Mr. Cabael before you got out of
08:58AM 7 prison?
08:58AM 8 A Yes.
08:58AM 9 Q So did you tell the -- the folks at the halfway house that
08:58AM 10 you had this job salary and you were on call?
08:58AM 11 A Yes.
08:58AM 12 Q So how did you establish when you had to work? How did
08:58AM 13 you tell them?
08:58AM 14 A It wasn't established. It was -- it was on call daily.
08:58AM 15 So it's like they give you -- they give you -- if you're
08:59AM 16 supposed to work down -- like I had -- I had an on-call day, so
08:59AM 17 it would be eight hours work, one hour lunch, two hours to get
08:59AM 18 there, because I was supposed to be catching a bus. So now I'm
08:59AM 19 filling out this paperwork to where I can be gone from the
08:59AM 20 halfway house for half of the day. You know, eight hours
08:59AM 21 working, one hour lunch, two hours to get there, two hours to
08:59AM 22 get back.
08:59AM 23 And -- and if I couldn't make it back on time, usually
08:59AM 24 Fredo used to call the halfway house and say, Hey, we working
08:59AM 25 overtime, we stay at -- we working at -- in Kahuku or Hauula or

08:59AM 1 something, and we going need about four more hours. So now I'm
08:59AM 2 gone 18 hours a day.
08:59AM 3 Q Okay. So Fredo is Alfredo Cabael?
08:59AM 4 A Yes.
08:59AM 5 Q So you said you were supposed to be taking the bus. Were
09:00AM 6 you taking the bus to work?
09:00AM 7 A No.
09:00AM 8 Q So how were you being transported?
09:00AM 9 A Whoever was available, whoever was in the area, if Miske
09:00AM 10 was in the area, he would pick me up. If Fredo was in the
09:00AM 11 area, he would pick me up. Yeah.
09:00AM 12 Q So were you working?
09:00AM 13 A No.
09:00AM 14 Q So what were you doing for these 12 or 14 hours a day when
09:00AM 15 you were gone?
09:00AM 16 A I was catching up with people. Catching up -- catching
09:00AM 17 with my family, hanging out with Miske, hanging out with Fredo.
09:00AM 18 Q So did -- did this on-call schedule, was it required by
09:00AM 19 the halfway house that somebody had to call them every day to
09:00AM 20 tell them you were needed, or how did that work?
09:00AM 21 A Yes. Well, I would -- I would since I was on call, I'd go
09:00AM 22 down there every morning. If I felt like leaving at 9:00 in
09:00AM 23 the morning, I would just go down there, fill out nine -- I
09:00AM 24 mean -- yeah, I start work at 11:00, that means I can leave at
09:00AM 25 9:00. Eight hours plus the lunch, that's nine hours, two hours

09:01AM 1 transportation. I would fill 'em out, they would call -- they
09:01AM 2 would call Fredo, confirm 'em, and they would let me out, let
09:01AM 3 me right out the door.

09:01AM 4 Q So when you say "they," you mean the halfway house would
09:01AM 5 call Alfredo Cabael?

09:01AM 6 A The halfway house. Yes.

09:01AM 7 Q And Alfredo Cabael knew about this arrangement.

09:01AM 8 A Yes.

09:01AM 9 Q So did you ever do any work for Kama'aina Termite and Pest
09:01AM 10 Control during that time?

09:01AM 11 A During? No.

09:01AM 12 Q Were you paid by Mr. Miske?

09:01AM 13 A Yes.

09:01AM 14 Q How were you paid?

09:01AM 15 A He would give me the -- he would give me the stubs, the
09:01AM 16 paychecks with the stub on top.

09:01AM 17 Q Okay. I'll ask you about that in a minute.

09:01AM 18 But how long did this go on for where you were calling
09:01AM 19 out every day and being gone for --

09:01AM 20 A Pretty much the whole time I was in the halfway house.

09:02AM 21 Since I got there -- since couple days after I got there all
09:02AM 22 the way till -- till I found my own home apartment.

09:02AM 23 Q How long was that approximately?

09:02AM 24 A I'd say six -- six, eight months maybe.

09:02AM 25 Q Okay. Did T.J. Mahoney ever catch on or have questions

09:02AM 1 about whether this was really a legitimate job?

09:02AM 2 A Yeah, they had -- they had questions, but -- but like

09:02AM 3 Fredo -- if they had questions, Fredo would call -- like they

09:02AM 4 would be like, Hey, you worked -- you worked -- how the hell

09:02AM 5 you work 19 hours yesterday, you come back, and you're not even

09:02AM 6 dirty. You know, you're not even -- you're supposed to be

09:02AM 7 fumigating houses. They would question me like that, and, you

09:02AM 8 know, I would be like, We got a shower in -- in our -- in our

09:02AM 9 shop over there.

09:02AM 10 But like I would leave and then come back, and then

09:03AM 11 tell them, Yeah, I got to go right back to work. So Fredo

09:03AM 12 would call and say, Hey, we need him back right now or -- or he

09:03AM 13 going be fired, you know. So...

09:03AM 14 Q So Mr. Cabael would tell the halfway house that you would

09:03AM 15 be fired if you weren't allowed to leave again?

09:03AM 16 A Yes.

09:03AM 17 Q Did Mr. Miske ever do that?

09:03AM 18 A I'm not sure if he ever did, but I know he used to call

09:03AM 19 'em for me for -- if we was going to the bay, ride jet skis or

09:03AM 20 something like on a Saturday, I would have him call. If I

09:03AM 21 couldn't get in touch with Fredo, I would call Miske, and he

09:03AM 22 would call and tell them, Hey, we need him at work right now.

09:03AM 23 Q Now, you mentioned some pay stubs. Did the halfway house

09:03AM 24 require some sort of documentation or proof that you were

09:03AM 25 actually working during that time?

09:03AM 1 A Yes.

09:03AM 2 Q You were also on supervised release as well, correct?

09:03AM 3 A Yes.

09:03AM 4 Q So who were you being supervised by?

09:04AM 5 A By the halfway house.

09:04AM 6 Q But was there someone from the court also that was

09:04AM 7 supervising you?

09:04AM 8 A The supervised release is after the halfway house.

09:04AM 9 Q Okay. All right. So that hadn't started yet.

09:04AM 10 A That hadn't -- that never start yet.

09:04AM 11 Q All right. So the -- when they told you that they needed

09:04AM 12 to have, you know, documentation, what did you do?

09:04AM 13 A I gave them the -- the pay stubs.

09:04AM 14 Q Okay. But how did you -- how did that come about is my

09:04AM 15 question? Where did those pay stubs come from?

09:04AM 16 A From Miske.

09:04AM 17 Q So he just gave them to you? Or explain to the jury how

09:04AM 18 that -- the pay stubs were even given to you.

09:04AM 19 A Yeah, he would just -- he would just give them to me and

09:04AM 20 tell me, Hey -- if I told him, Hey, I got to turn this in on

09:04AM 21 this day, he would have them for me on his desk. He would tell

09:04AM 22 me, Hey, just pick them up -- stop by if I'm not there, grab

09:04AM 23 'em off my desk, or he would hand 'em to me when he seen me.

09:04AM 24 Because I was -- I was -- we was together almost

09:04AM 25 pretty much every day at that point. I just got out of prison.

09:05AM 1 We were catching up a lot. I'm together with him every day.

09:05AM 2 Q But did you tell Mr. Miske that you needed to have -- you

09:05AM 3 needed pay stubs to show the people at the halfway house?

09:05AM 4 A Yes.

09:05AM 5 Q And that's why he gave them to you?

09:05AM 6 A Yes.

09:05AM 7 MR. INCIONG: Your Honor, could I have exhibits --

09:05AM 8 well, first, we'll start with 9-110 shown to Mr. Miller,

09:05AM 9 please?

09:05AM 10 THE COURT: 9-110?

09:05AM 11 MR. INCIONG: Correct.

09:05AM 12 THE COURT: Okay. Mr. Inciong, you mentioned -- you

09:05AM 13 asked Mr. Miller if T.J. Mahoney caught on or had questions.

09:05AM 14 What is T.J. Mahoney?

09:05AM 15 MR. INCIONG: Thank you, Your Honor.

09:05AM 16 BY MR. INCIONG:

09:05AM 17 Q Is T.J. Mahoney the name of the halfway house you were in?

09:05AM 18 A Yes.

09:05AM 19 Q Okay. That's where you were --

09:05AM 20 A Yeah, that's where I was -- when I got out, that's --

09:05AM 21 T.J. Mahoney is where Miske and his brother dropped me off at

09:05AM 22 the day I got out. That's the name of the halfway house.

09:05AM 23 Q That's where you were required to go once you were

09:06AM 24 released from prison?

09:06AM 25 A Yes. It's a four-story building, men on one side, female

09:06AM 1 on the other side, all the staff on the bottom, a little
09:06AM 2 parking lot in the front.
09:06AM 3 Q That's located in Honolulu?
09:06AM 4 A Yes.
09:06AM 5 Q Okay. So, Mr. Miller, do you see Exhibit 9-110 in front
09:06AM 6 of you?
09:06AM 7 A Yes.
09:06AM 8 Q Do you recognize what's shown there?
09:06AM 9 A Yes.
09:06AM 10 Q How do you recognize that?
09:06AM 11 A I mean, I recognize the Kama'aina, of course, but got my
09:06AM 12 name on 'em.
09:06AM 13 Q Okay. Can I have you look at 9-111 next, please.
09:06AM 14 Similar document but a different document nonetheless.
09:06AM 15 Do you recognize that?
09:06AM 16 A Yes.
09:06AM 17 Q How do you recognize that?
09:06AM 18 A Same thing, got my name on the -- on the check.
09:06AM 19 Q Now, these are -- do you see the dates that are listed on
09:06AM 20 that check --
09:06AM 21 A Yes.
09:06AM 22 Q -- on those two checks?
09:06AM 23 Is that after -- a little bit after the period we're
09:07AM 24 talking about when you were first released from prison into the
09:07AM 25 halfway house?

09:07AM 1 A Oh, yes. This is -- that date right there is like a whole
09:07AM 2 year after I got out of the halfway house.

09:07AM 3 Q But were you continuing to receive these pay stubs from
09:07AM 4 Mr. Miske during that time?

09:07AM 5 A Yes.

09:07AM 6 Q Are these pay stubs similar in nature to the types that
09:07AM 7 you were receiving when you first started producing them to
09:07AM 8 T.J. Mahoney?

09:07AM 9 A Yes.

09:07AM 10 MR. INCIONG: Your Honor, I would move to admit
09:07AM 11 Exhibits 9-110 and 9-111.

09:07AM 12 THE COURT: Any objection?

09:07AM 13 MR. KENNEDY: No objection.

09:07AM 14 THE COURT: Without objection, 9-110 and 9-111 are
09:07AM 15 each admitted. You may publish.

09:07AM 16 (Exhibits 9-110 and 9-111 were received in evidence.)

09:07AM 17 MR. INCIONG: Thank you, Your Honor.

09:07AM 18 BY MR. INCIONG:

09:07AM 19 Q So starting with 9-110, so this is a pay stub that
09:07AM 20 Mr. Miske provided to you during -- in this particular case it
09:07AM 21 was 2015, correct?

09:07AM 22 A Yes.

09:07AM 23 Q But were these the same types of pay stubs that you gave
09:08AM 24 to T.J. Mahoney when you were first released from prison?

09:08AM 25 A Yes.

09:08AM 1 Q Did you actually work for any of these checks?

09:08AM 2 A No.

09:08AM 3 Q Now, from looking at that exhibit, is that just a pay tub

09:08AM 4 or is that the entire check, that being the check that you

09:08AM 5 would tear off to deposit and then the pay stub that is

09:08AM 6 attached?

09:08AM 7 A Yes. That's the whole thing right here, yeah.

09:08AM 8 Q Okay. So were you turning in these checks without cashing

09:08AM 9 them on some occasions?

09:08AM 10 A Yes. Yeah, I wasn't -- I wasn't paying attention, I was

09:08AM 11 just turning them in to him to -- because that's what you got

09:08AM 12 to do.

09:08AM 13 Q So whether you were getting the money from these checks

09:08AM 14 and cashing them, that didn't even matter to you.

09:08AM 15 A Yeah, I wasn't -- yeah, I guess I wasn't even thinking

09:08AM 16 about that at the time.

09:08AM 17 Q So you were turning these checks in to T.J. Mahoney,

09:09AM 18 correct?

09:09AM 19 A These ones are the ones that -- ones like this, yeah.

09:09AM 20 Q Okay. The ones that -- good question. Let me separate

09:09AM 21 that.

09:09AM 22 So in 2013 you were turning these checks in to who?

09:09AM 23 A To T.J. Mahoney.

09:09AM 24 Q In 2015 you were no longer on super- -- at the halfway

09:09AM 25 house, correct?

09:09AM 1 A No.

09:09AM 2 Q So who were you turning the checks in to at that time?

09:09AM 3 A My -- the probation officer.

09:09AM 4 Q Okay. That was required as part of your supervised

09:09AM 5 release?

09:09AM 6 A Yes.

09:09AM 7 Q So as you explained, once you got out of the halfway

09:09AM 8 house, then you were on supervised release?

09:09AM 9 A Yes.

09:09AM 10 Q And U.S. Probation was supervising you?

09:09AM 11 A Yes.

09:09AM 12 Q These were the pay stubs that you produced to U.S.

09:09AM 13 Probation?

09:09AM 14 A Yes.

09:09AM 15 Q Were you working -- actually working for Kama'aina at that

09:09AM 16 time in 2015?

09:09AM 17 A No.

09:09AM 18 Q Did you ever work for Kama'aina?

09:09AM 19 A Like back in the days, I don't -- like back in the days, I

09:09AM 20 used -- I used to help him, like I used to -- I used to like --

09:10AM 21 when he had like the tint and everything like that, I used

09:10AM 22 to --

09:10AM 23 Q Okay.

09:10AM 24 A -- I used to detail cars and stuff like that.

09:10AM 25 Q Well, let me narrow my -- my question. So after you got

09:10AM 1 out of prison in 2013, did you ever work for Kama'aina?

09:10AM 2 A No.

09:10AM 3 MR. INCIONG: Could I have Exhibit 9-112 pulled up,

09:10AM 4 please, for Mr. Miller?

09:10AM 5 BY MR. INCIONG:

09:10AM 6 Q Do you recognize that document, sir?

09:10AM 7 A Yes.

09:10AM 8 Q What is that?

09:10AM 9 A Oh, that's -- that's like the report that you got to turn

09:10AM 10 in to -- to your probation officer.

09:10AM 11 Q And does this -- do you recognize this as one of the

09:10AM 12 reports that you turned in when you were on supervised release

09:10AM 13 for the bank robbery?

09:10AM 14 A Yes.

09:10AM 15 MR. INCIONG: Your Honor, I would move to admit

09:10AM 16 Exhibit 9-112.

09:10AM 17 THE COURT: Any objection?

09:11AM 18 MR. KENNEDY: No objection.

09:11AM 19 THE COURT: Without objection, 9-112 is admitted. You

09:11AM 20 may publish.

09:11AM 21 (Exhibit 9-112 was received in evidence.)

09:11AM 22 MR. INCIONG: Thank you, Your Honor.

09:11AM 23 BY MR. INCIONG:

09:11AM 24 Q So if we look at that exhibit --

09:11AM 25 MR. INCIONG: If we could highlight part B, that

09:11AM 1 center area, to show Mr. Miller and have the jury to look at
09:11AM 2 that.

09:11AM 3 BY MR. INCIONG:

09:11AM 4 Q Do you see that box, sir?

09:11AM 5 A Yes.

09:11AM 6 Q So that lists your place of employment, correct?

09:11AM 7 A Yes.

09:11AM 8 Q And it's listed as Kama'aina Termite control, correct?

09:11AM 9 A Yes.

09:11AM 10 Q Did you actually work there?

09:11AM 11 A No.

09:11AM 12 Q It lists the name of your supervisor as Alfredo Cabael.

09:11AM 13 A Yes.

09:11AM 14 Q Was Alfredo Cabael your supervisor?

09:11AM 15 A Yeah, that's what -- I mean that's what I had to put down
09:11AM 16 right there.

09:11AM 17 Q But I mean was he actually supervising any real work?

09:11AM 18 A No, no. No.

09:11AM 19 Q Your position held as shift, what did that mean?

09:12AM 20 A I don't -- I don't know. I was just filling in the --

09:12AM 21 Q It wasn't -- it wasn't correct because you weren't
09:12AM 22 working, correct?

09:12AM 23 A No.

09:12AM 24 Q Okay. So full time, that was -- was that correct?

09:12AM 25 A No.

09:12AM 1 Q So was this still a continuation basically of that same
09:12AM 2 disguised work that you had given to T.J. Mahoney when you
09:12AM 3 first were released from prison?
09:12AM 4 A Yes.
09:12AM 5 Q Now, you said when you got out you were spending a lot of
09:12AM 6 time with Mr. Miske every day catching up and so forth.
09:12AM 7 You had been in prison for several years, right?
09:12AM 8 A Yes.
09:12AM 9 Q So had things changed in Mr. Miske's life that you could
09:12AM 10 observe having that gap in time between when you went away to
09:12AM 11 prison and when you came back?
09:12AM 12 A Yes.
09:12AM 13 Q What are some of those things that you noticed that
09:12AM 14 changed?
09:12AM 15 A He had -- he had -- he had more companies. His companies
09:13AM 16 was way bigger. He had -- he had new trucks. He had -- yeah,
09:13AM 17 he had a lot of stuff going on. He had -- he had the
09:13AM 18 nightclub, he had solar, Kama'aina -- the termite, he had
09:13AM 19 plumbing. Yeah, he had a lot of stuff -- he had a lot of stuff
09:13AM 20 going on, you know.
09:13AM 21 Q So that was very different from when you went off to
09:13AM 22 prison.
09:13AM 23 A Yes.
09:13AM 24 Q So let's start with the company Kama'aina Termite and Pest
09:13AM 25 Control.

09:13AM 1 A Yes.

09:13AM 2 Q You said that was -- that was way bigger?

09:13AM 3 A Yeah.

09:13AM 4 Q What do you mean by that specifically?

09:13AM 5 A I mean he had -- just from -- just from the people that

09:13AM 6 was working there, he built up the office, he had both sides on

09:13AM 7 his shop now. He had upstairs, downstairs, on both sides. He

09:13AM 8 had built in the back above, he had built offices up there.

09:13AM 9 Q Okay.

09:13AM 10 A Yeah, he had one good operation, you know. He told me

09:14AM 11 he -- he told me, Yeah, I moved up a little bit since you've

09:14AM 12 been gone, you know.

09:14AM 13 MR. INCIONG: Can I have Exhibit 5-2 shown to

09:14AM 14 Mr. Miller, please.

09:14AM 15 BY MR. INCIONG:

09:14AM 16 Q Mr. Miller, do you see that exhibit, that map?

09:14AM 17 A Yes.

09:14AM 18 Q Do you recognize what's shown there?

09:14AM 19 A Yes.

09:14AM 20 Q How do you recognize that?

09:14AM 21 A That's Queen Street and Ward Avenue. That's -- yeah, I've

09:14AM 22 been there a lot.

09:14AM 23 Q Does that map accurately show that area?

09:14AM 24 A Yes.

09:14AM 25 Q Is this the general area where the business Kama'aina

09:14AM 1 Termite and Pest Control was located?

09:14AM 2 A Yes.

09:14AM 3 MR. INCIONG: Your Honor, I would move to admit

09:14AM 4 Exhibit 5-2, please.

09:14AM 5 THE COURT: It's already admitted --

09:14AM 6 MR. KENNEDY: Your Honor, I believe it's already in

09:14AM 7 evidence.

09:14AM 8 MR. INCIONG: Oh, my -- my apologies if it is.

09:14AM 9 THE COURT: You can publish.

09:14AM 10 MR. INCIONG: May I publish it, Your Honor?

09:14AM 11 THE COURT: Yes.

09:14AM 12 MR. INCIONG: Thank you.

09:14AM 13 BY MR. INCIONG:

09:14AM 14 Q So that's the -- the area of Queen Street and Ward, like

09:15AM 15 you said?

09:15AM 16 A Yes.

09:15AM 17 Q The red dot, is that generally where Kama'aina Termite and

09:15AM 18 Pest Control is located?

09:15AM 19 A Yes, I think -- I think the -- where the red is, that's

09:15AM 20 the gun shop on the other side of -- it says --

09:15AM 21 Q So next door is -- would be more accurate?

09:15AM 22 A Yeah. I think so.

09:15AM 23 Q But generally, that's -- that's where it's located?

09:15AM 24 A Yes.

09:15AM 25 MR. INCIONG: Could we have Exhibit 5-2-A shown to

09:15AM 1 Mr. Miller, please?

09:15AM 2 THE COURT: Yes.

09:15AM 3 BY MR. INCIONG:

09:15AM 4 Q Do you recognize what's shown in this exhibit, sir?

09:15AM 5 A Yes.

09:15AM 6 Q And is that -- how do you recognize that?

09:15AM 7 A That's the downtown area, Ward area. Got the harbor right

09:15AM 8 here. Queen Street, yeah.

09:15AM 9 Q And is this basically just a wider, a broader view of the

09:15AM 10 slide you looked at a second ago?

09:15AM 11 A Yes.

09:15AM 12 Q Does that accurately show 5-2-A?

09:15AM 13 A Yes.

09:15AM 14 MR. INCIONG: That's previously been admitted, Your

09:16AM 15 Honor, I believe. Can I publish that to Mr. Miller?

09:16AM 16 THE COURT: Yes, it has been and, yes, you may.

09:16AM 17 MR. INCIONG: Thank you.

09:16AM 18 BY MR. INCIONG:

09:16AM 19 Q So, Mr. Miller, again, this is -- this is the Kaka'ako

09:16AM 20 area that you described?

09:16AM 21 A Yes.

09:16AM 22 Q And the red dot there again shows generally where the

09:16AM 23 business Kama'aina Termite and Pest Control was and is located

09:16AM 24 on Queen Street?

09:16AM 25 A Yes.

09:16AM 1 MR. INCIONG: All right. Could we show Mr. Miller
09:16AM 2 Exhibit 5-22, please.
09:16AM 3 BY MR. INCIONG:
09:16AM 4 Q Do you recognize what's shown in this photograph, sir?
09:16AM 5 A Yes.
09:16AM 6 MR. INCIONG: Your Honor, this has been previously
09:16AM 7 admitted. May I publish that?
09:16AM 8 THE COURT: Yes.
09:16AM 9 MR. INCIONG: Thank you.
09:16AM 10 BY MR. INCIONG:
09:16AM 11 Q So what's shown in this photo, Mr. Miller?
09:16AM 12 A That's the -- that's the shop right there. That's what --
09:16AM 13 that's what we used to call 'em.
09:16AM 14 Q Is this where you were spending a lot of time with
09:16AM 15 Mr. Miske when you were released from prison in 2013?
09:17AM 16 A Yes.
09:17AM 17 Q And you spent -- did you spent a lot of time there in the
09:17AM 18 years going forward as well?
09:17AM 19 A Yes.
09:17AM 20 Q Now, you described -- I think you mentioned that one thing
09:17AM 21 that had changed about the business about it being bigger was
09:17AM 22 you mentioned trucks as well?
09:17AM 23 A Yes.
09:17AM 24 Q What did you notice that was different about the -- the
09:17AM 25 trucks associated with that business?

09:17AM 1 A When I -- when I left, I used to -- I used to go with him
09:17AM 2 down to some -- when he used to buy these little Toyotas and
09:17AM 3 put the flatbeds on top. And when I came out, he had -- he had
09:17AM 4 big Fords 450s, and -- yeah, he had a pretty good setup going.
09:17AM 5 Q Okay. Was this also the same location that some of the
09:17AM 6 other businesses were located that you mentioned, Kama'aina
09:17AM 7 Plumbing and solar?
09:17AM 8 A Yes. Solar was in -- solar was in the back upstairs,
09:18AM 9 plumbing was on the right side.
09:18AM 10 Q And you mentioned a nightclub that was now in the picture.
09:18AM 11 A Yes.
09:18AM 12 Q What nightclub was that?
09:18AM 13 A M Nightclub.
09:18AM 14 Q Was -- Mr. Miske was owner of that nightclub?
09:18AM 15 A Yes.
09:18AM 16 Q Did you ever go to that nightclub?
09:18AM 17 A Yes.
09:18AM 18 MR. INCIONG: Could I have Exhibit 4-60 shown to
09:18AM 19 Mr. Miller, please.
09:18AM 20 BY MR. INCIONG:
09:18AM 21 Q Do you recognize this map, Mr. Miller?
09:18AM 22 A Yes.
09:18AM 23 Q How do you recognize that?
09:18AM 24 A That's the same downtown area, Punchbowl.
09:18AM 25 Q Does this area -- this map show where the M Nightclub was

09:18AM 1 located? Not specifically, but is this -- location-wise, is it
09:18AM 2 in this area?
09:18AM 3 A Yeah, right there. Well, I'd say the Waterfront Plaza, in
09:19AM 4 that area right there. The Han's Korean barbecue right across
09:19AM 5 Subway.
09:19AM 6 Q Okay. So is Exhibit 4-60 an accurate map of that general
09:19AM 7 area?
09:19AM 8 A Yes.
09:19AM 9 MR. INCIONG: Your Honor, I would move to admit 4-60,
09:19AM 10 please.
09:19AM 11 THE COURT: Any objection?
09:19AM 12 MR. KENNEDY: No objection.
09:19AM 13 THE COURT: 4-60 is admitted without objection. You
09:19AM 14 may publish.
09:19AM 15 (Exhibit 4-60 was received in evidence.)
09:19AM 16 MR. INCIONG: Thank you, Your Honor.
09:19AM 17 BY MR. INCIONG:
09:19AM 18 Q Sir, could you just draw a circle approximately where the
09:19AM 19 M Nightclub was located on this map, Mr. Miller?
09:19AM 20 A About right there (indicating).
09:19AM 21 Q So that's the area, the major streets there are Punchbowl
09:19AM 22 and Ala Moana Boulevard?
09:19AM 23 A Yes.
09:19AM 24 Q Are you familiar with what's known as Restaurant Row?
09:19AM 25 A Yes.

09:19AM 1 Q Is that area where the M Nightclub was located?

09:19AM 2 A Yes.

09:19AM 3 MR. INCIONG: Could we show Exhibit 4-61, please, to

09:19AM 4 Mr. Miller.

09:19AM 5 Actually let me go to 4-62, please, first. Sorry.

09:19AM 6 BY MR. INCIONG:

09:20AM 7 Q Do you recognize what's shown in this photo, Mr. Miller?

09:20AM 8 A Yes.

09:20AM 9 Q How do you recognize that?

09:20AM 10 A I drove past 'em a lot of times. That's the front of the

09:20AM 11 Restaurant Row. Ruth's Chris Steakhouse right there.

09:20AM 12 Q And is that where the M Nightclub is located

09:20AM 13 approximately?

09:20AM 14 A Yes.

09:20AM 15 MR. INCIONG: Your Honor, I would move to admit

09:20AM 16 Exhibit 4-62.

09:20AM 17 THE COURT: Any objection, Counsel?

09:20AM 18 MR. KENNEDY: No objection.

09:20AM 19 THE COURT: Without objection, 4-62 is admitted. You

09:20AM 20 may publish.

09:20AM 21 (Exhibit 4-62 was received in evidence.)

09:20AM 22 MR. INCIONG: Thank you, Your Honor.

09:20AM 23 BY MR. INCIONG:

09:20AM 24 Q So this -- as you indicated, this is the front of

09:20AM 25 Restaurant Row?

09:20AM 1 A Yes.

09:20AM 2 Q So that's along Ala Moana Boulevard then?

09:20AM 3 A Yes.

09:20AM 4 Q And this is where the M Nightclub was located?

09:20AM 5 A Yes.

09:20AM 6 MR. INCIONG: Could I show Mr. Miller Exhibit 4-62 --

09:20AM 7 I'm sorry -- 4-61, please.

09:20AM 8 BY MR. INCIONG:

09:20AM 9 Q Do you recognize what's shown in that photo, Mr. Miller?

09:20AM 10 A Yes.

09:20AM 11 Q How do you recognize that?

09:20AM 12 A That's right outside the -- the M Nightclub. Yeah, when

09:21AM 13 I -- when I came home, if I'm correct, I think he just got

09:21AM 14 that, because I remember him telling me he bought that place

09:21AM 15 too, that little -- that little thing right outside there,

09:21AM 16 right outside the M.

09:21AM 17 Q Does that accurately -- that photo accurately show that --

09:21AM 18 that little bar that you just described?

09:21AM 19 A Yes.

09:21AM 20 MR. INCIONG: Your Honor, I would move to admit

09:21AM 21 Exhibit 4-61 at this time.

09:21AM 22 THE COURT: Any objection?

09:21AM 23 MR. KENNEDY: No objection, Your Honor.

09:21AM 24 THE COURT: All right. 4-61 then is admitted without

09:21AM 25 objection. You may publish.

09:21AM 1 (Exhibit 4-61 was received in evidence.)
09:21AM 2 MR. INCIONG: Thank you, Your Honor.
09:21AM 3 BY MR. INCIONG:
09:21AM 4 Q So Mr. Miske owned this as well, he said?
09:21AM 5 A Yeah.
09:21AM 6 Q And this was located basically right outside the -- the
09:21AM 7 front door of the M Nightclub?
09:21AM 8 A Yes. And right there, had a little hot dog stand that
09:21AM 9 used to be right there.
09:21AM 10 Q Now, you mentioned you've actually been to the
09:22AM 11 M Nightclub, correct?
09:22AM 12 A Yes.
09:22AM 13 Q How many times would you say you went to the M Nightclub?
09:22AM 14 A Been there a lot.
09:22AM 15 Q And this was all after you had been released from prison?
09:22AM 16 A Yes.
09:22AM 17 MR. INCIONG: Your Honor, I would move to -- or, I'm
09:22AM 18 sorry, can I please have Exhibit 1-854 shown just to
09:22AM 19 Mr. Miller.
09:22AM 20 BY MR. INCIONG:
09:22AM 21 Q Do you recognize this photograph, sir?
09:22AM 22 A Yes.
09:22AM 23 Q How do you recognize that?
09:22AM 24 A That's me in that -- in that picture.
09:22AM 25 Q Okay. And you recognize at least some of the other people

09:22AM 1 in that picture?

09:22AM 2 A Yes.

09:22AM 3 Q Do you recognize where that picture was taken?

09:22AM 4 A Yes.

09:22AM 5 Q How do you recognize that?

09:22AM 6 A That's the inside of the -- of the M, these little --

09:22AM 7 these little pillars right here, he had 'em custom -- that was

09:22AM 8 custom made from some artist in Cali.

09:22AM 9 Q Does that picture accurately show yourself and the other

09:22AM 10 individuals inside the M Nightclub?

09:22AM 11 A Yes.

09:22AM 12 MR. INCIONG: Your Honor, I would move to admit 1-854.

09:23AM 13 THE COURT: Any objection?

09:23AM 14 MR. KENNEDY: No objection, Your Honor.

09:23AM 15 THE COURT: Without objection, 1-854 is admitted. You

09:23AM 16 may publish.

09:23AM 17 (Exhibit 1-854 was received in evidence.)

09:23AM 18 MR. INCIONG: Thank you, Your Honor.

09:23AM 19 BY MR. INCIONG:

09:23AM 20 Q So, Mr. Miller, if you could -- I guess start from --

09:23AM 21 we'll go left to right, and tell who -- who you recognize or

09:23AM 22 who you know that are pictured in this photo.

09:23AM 23 A So this is my -- this is my son's mom right here.

09:23AM 24 Q Okay. All right.

09:23AM 25 A That's me right here.

09:23AM 1 Q Okay.

09:23AM 2 A Mikey right here. Dusky Boy. I don't know who that -- I

09:23AM 3 can't figure out who this guy is right here, but -- but this is

09:23AM 4 Johnnie right here. Johnnie Stancil.

09:23AM 5 Q Okay. So we'll go back in reverse order, I guess. So on

09:23AM 6 the far right then is John Stancil?

09:23AM 7 A Yes.

09:23AM 8 Q Okay. You can't tell who the person next to him is?

09:23AM 9 A I just -- I know him, but I just cannot think of his name,

09:24AM 10 I don't know.

09:24AM 11 Q So the person then -- one person over to the left in the

09:24AM 12 white V-neck t-shirt you said that's Dusky Boy. What -- do you

09:24AM 13 know his full name or real name?

09:24AM 14 A Dusky Toledo.

09:24AM 15 Q Okay. And then the middle next to Mr. Toledo, who is

09:24AM 16 that?

09:24AM 17 A Right here this is -- that's Mikey -- Mike Miske right

09:24AM 18 there.

09:24AM 19 Q Okay. And then that's you with Mr. Miske has his arm

09:24AM 20 around?

09:24AM 21 A Yes, he got his arm around -- he got is arm around Dusky

09:24AM 22 right here, and then me right there.

09:24AM 23 Q Okay. And then next to you is you indicated your -- your

09:24AM 24 son's mother?

09:24AM 25 A That's my -- yeah, that's my baby mama right here.

09:24AM 1 Q Now, you said you recognized this photo, and I think the
09:24AM 2 circle is still there and I guess it's the upper left-hand
09:24AM 3 corner of the pillars. Tell us why -- or tell the jury why you
09:24AM 4 recognize or remember those pillars.

09:24AM 5 A At first when I -- I remember coming home and looking at
09:25AM 6 all of this -- this kind of stuff right here, and I was like --
09:25AM 7 I was like I don't believe he paying for somebody doing this
09:25AM 8 type of thing right here, you know.

09:25AM 9 Q What do you mean by that, paying for doing what?

09:25AM 10 A Like, I don't know, I guess they call 'em art, but to me
09:25AM 11 it look like somebody just slapping, you know, just throwing
09:25AM 12 some paint around on some -- on some paper.

09:25AM 13 Q Did Mr. Miske explain to you how he had had that done or
09:25AM 14 how -- who did that for him?

09:25AM 15 A He had a friend that used to -- that used to do that and
09:25AM 16 he used to do all types of art for him, making t-shirts and
09:25AM 17 stuff like that.

09:25AM 18 Q Okay. When you would go to the M, did you -- did you have
09:25AM 19 to pay for drinks or food or anything that you had there?

09:25AM 20 A No.

09:25AM 21 Q Ever?

09:25AM 22 A No.

09:25AM 23 Q Now, there was -- were there other businesses or business
09:26AM 24 ventures that Mr. Miske told you about that he had gotten
09:26AM 25 involved in since you had been away at prison?

09:26AM 1 A Um, yeah, we named -- we named his businesses, right. He
09:26AM 2 had the whole Kama'aina thing going on, he had the club going
09:26AM 3 on, and -- and, yeah, he had some fishing boats and stuff like
09:26AM 4 that. Yeah.

09:26AM 5 Q Okay. So what did you know or what did he tell you about
09:26AM 6 the fishing boats?

09:26AM 7 A He was just telling me that -- that he used to -- he
09:26AM 8 bought this boat and he was fishing and selling 'em at the
09:26AM 9 auction and stuff. Yeah.

09:26AM 10 Q So this is a commercial fishing boat.

09:26AM 11 A Yeah, commercial fishing boat. Big -- big long liner,
09:26AM 12 like long lines come off the boat to catch fish.

09:26AM 13 Q Did you ever see that boat?

09:26AM 14 A Yes.

09:26AM 15 Q Do you recall the name of it?

09:26AM 16 A I cannot -- I cannot remember the name right now. I know
09:26AM 17 the name, but I just cannot remember right now.

09:26AM 18 Q So that was operating still as a business when you -- you
09:27AM 19 came out of prison?

09:27AM 20 A Yes.

09:27AM 21 MR. INCIONG: Could I show Mr. Miller Exhibit 9-008,
09:27AM 22 please?

09:27AM 23 BY MR. INCIONG:

09:27AM 24 Q Do you see -- I guess that's two photos there, Mr. Miller.
09:27AM 25 Do you recognize what's shown there?

09:27AM 1 A Yes.

09:27AM 2 Q How do you recognize that?

09:27AM 3 A That's -- that's going into the bunker.

09:27AM 4 Q You've been there before?

09:27AM 5 A Yes.

09:27AM 6 Q Who took you there?

09:27AM 7 A I used to go with -- with Fredo. And -- most of the time

09:27AM 8 I go there with Fredo.

09:27AM 9 Q And Fredo is Alfredo Cabael?

09:27AM 10 A Yes.

09:27AM 11 Q Is that picture or those two pictures, those accurately

09:27AM 12 depict that area outside of -- looks like the entryway to the

09:27AM 13 bunker you just mentioned?

09:27AM 14 A Yeah. The bunker, you gotta drive on.

09:27AM 15 MR. INCIONG: Your Honor, may I move to admit 9-008 or

09:28AM 16 9-8 at this time, please?

09:28AM 17 THE COURT: Any objection?

09:28AM 18 MR. KENNEDY: Yes, Your Honor. The objection would be

09:28AM 19 I'm not sure when this photograph was taken.

09:28AM 20 THE COURT: All right. Would you -- would you ask

09:28AM 21 Mr. Miller that?

09:28AM 22 MR. INCIONG: Sure.

09:28AM 23 BY MR. INCIONG:

09:28AM 24 Q Mr. Miller, when was the -- what was the time period that

09:28AM 25 you went to this -- this actual bunker in person with

09:28AM 1 Mr. Cabael, as you just described?

09:28AM 2 A I used to go -- when I got out when I was in the halfway

09:28AM 3 house, I used to be with him, and he used to be always going

09:28AM 4 over here.

09:28AM 5 Q So that would be beginning in 2013 or so?

09:28AM 6 A Yes.

09:28AM 7 Q Does that -- do those photos accurately show that area as

09:28AM 8 you saw them when you went there beginning in 2013?

09:28AM 9 A I mean just -- I know the road. If that bottom road is

09:29AM 10 down like that, because you got a drive pass 'em, yeah, like --

09:29AM 11 like old military housing I think on the top, you got to drive

09:29AM 12 down and go around that bend. So if that's that bend right

09:29AM 13 here, that's what I -- that's what I remember more.

09:29AM 14 Q Okay. And then the top picture, does that -- does that

09:29AM 15 look like how you recall when you went to visit that -- that

09:29AM 16 location?

09:29AM 17 A Yeah, kind of similar. I not really taking in the sign,

09:29AM 18 but like I said, if that's the same road that go around right

09:29AM 19 here, that's what -- that's what I remember.

09:29AM 20 MR. INCIONG: Okay. Your Honor, I would move to admit

09:29AM 21 9-8.

09:29AM 22 THE COURT: Any objection?

09:29AM 23 MR. KENNEDY: Yes, Your Honor. Could we have a

09:29AM 24 sidebar?

09:29AM 25 THE COURT: The objection was the date. We have

09:29AM 1 resolved the date. Is there still -- there's a different
09:29AM 2 objection now?

09:29AM 3 MR. KENNEDY: Yes.

09:30AM 4 (Sidebar on the record:)

09:30AM 5 THE COURT: All right. What's the objection?

09:30AM 6 MR. KENNEDY: The objection is relevance, Your Honor.

09:30AM 7 The fireworks that the government seeks to introduce was
09:30AM 8 between 2009 and 2012. Mr. Miller was in prison, so there's no
09:30AM 9 relevance to him seeing something in 2013. And that's why I
09:30AM 10 was asking when the picture was taken.

09:30AM 11 So I would object on relevance because he was in
09:30AM 12 either -- I think he was at Sheridan during the time period
09:30AM 13 that I understand the fireworks evidence that is being offered
09:30AM 14 I believe for Count 1 would be involved.

09:30AM 15 THE COURT: Mr. Inciong.

09:30AM 16 MR. INCIONG: He doesn't have to be out of prison for
09:30AM 17 it to be relevant. The next questions are going to be whether
09:30AM 18 he was told what that bunker was used for by Mr. Miske, and
09:31AM 19 that it was used for fireworks, that he had been selling
09:31AM 20 fireworks while he was in prison.

09:31AM 21 THE COURT: He was told that by whom?

09:31AM 22 MR. INCIONG: Mr. Miske.

09:31AM 23 THE COURT: All right. Anything else?

09:31AM 24 MR. INCIONG: No.

09:31AM 25 THE COURT: Anything else, Mr. Kennedy?

09:31AM 1 MR. KENNEDY: Your Honor, him visiting the fireworks
09:31AM 2 place with Mr. Cabael in 2013 would not be relevant to that. I
09:31AM 3 don't believe that ever happened.

09:31AM 4 THE COURT: All right.

09:31AM 5 (End of sidebar.)

09:31AM 6 THE COURT: The objection is overruled. Exhibit 9-8
09:31AM 7 is admitted. You may publish if you wish.
09:31AM 8 (Exhibit 9-008 was received in evidence.)

09:31AM 9 MR. INCIONG: Thank you, Your Honor.

09:31AM 10 If we could enlarge just the top photo, please, at
09:31AM 11 this time.

09:31AM 12 BY MR. INCIONG:

09:31AM 13 Q So, Mr. Miller, you mentioned that you actually visited
09:32AM 14 this place with Mr. Cabael, correct?

09:32AM 15 A Yes.

09:32AM 16 Q Did you actually ever go into the bunkers that you
09:32AM 17 mentioned that are -- that are contained here or --

09:32AM 18 A Yes.

09:32AM 19 Q What did you -- what was inside the bunker?

09:32AM 20 A Had a bunch of extra stuff that was -- when I went in
09:32AM 21 there, it was more like a storage, you know.

09:32AM 22 Q Did you have considerations with Mr. Miske about what he
09:32AM 23 had used that bunker for?

09:32AM 24 A Yeah.

09:32AM 25 Q What did he tell you?

09:32AM 1 A Oh, he told me that that's what they used to use for
09:32AM 2 fireworks long time.
09:32AM 3 Q What fireworks are you talking about?
09:32AM 4 A He told me he had some -- he had some fireworks that --
09:32AM 5 that he used to -- he used to bring in. Like -- like, you
09:32AM 6 know, like they do in Waikiki.
09:32AM 7 Q So we're not talking about sparklers?
09:32AM 8 A No, no, not sparklers.
09:32AM 9 Q Commercial grade?
09:32AM 10 A Yeah, like aerials. Big -- big aerials.
09:33AM 11 Q He told you he brought these in. Where did he say from?
09:33AM 12 Brought them in from where?
09:33AM 13 A He told me he had a company, and he used to bring those in
09:33AM 14 before. Him and this other guy Kalani, he used to tell me
09:33AM 15 that, but --
09:33AM 16 Q Did he tell you where the fireworks came from?
09:33AM 17 A China.
09:33AM 18 Q Did he tell you whether he had ever gone to China?
09:33AM 19 A He told me he went to China. He told me he went to China.
09:33AM 20 Q Did he ever indicate to you the quantity of or how many --
09:33AM 21 how long that he did this for?
09:33AM 22 A I mean he -- he just said he had a lot, but he never break
09:33AM 23 down how much the -- the quantity was that he had.
09:33AM 24 Q Did he tell you whether he made any money off of that?
09:33AM 25 A He told me he made -- he told me he made some -- he made a

09:33AM 1 lot of money.

09:33AM 2 Q What's a lot of money?

09:33AM 3 A He told me he made some M's, some millions.

09:33AM 4 Q "M's" means --

09:33AM 5 A Yeah.

09:33AM 6 Q -- means millions?

09:33AM 7 A Yes. And he told me he was -- he was partners with this

09:33AM 8 guy Kalani, Kalani Nuuanu, from where we from too. But he just

09:34AM 9 told me like, Hey, like, man, I feel bad, you know, but fuck

09:34AM 10 it, it is what it is, you know.

09:34AM 11 Q He felt bad about what?

09:34AM 12 A About -- about ripping him off.

09:34AM 13 Q Okay. Well, tell us about that.

09:34AM 14 A I don't know much to say about that. He was just telling

09:34AM 15 me that -- that he sold -- he sold -- like he was selling

09:34AM 16 fireworks out the back door, and then he went fake the -- the

09:34AM 17 break-in because there was -- the ATF was coming, and he had to

09:34AM 18 make like they went cut the locks and make like the thing was

09:34AM 19 stolen, so when they go -- when they go there and inspect the

09:34AM 20 containers, the bunkers, they can see the thing got stolen.

09:34AM 21 You know.

09:34AM 22 Q Okay. So let me have -- let me ask a couple of follow-up

09:34AM 23 questions about that.

09:34AM 24 So first of all, when you say he was selling it out

09:34AM 25 the back door, you mean he was selling the fireworks on the

09:34AM 1 black market?

09:34AM 2 A Yes.

09:34AM 3 Q He was not selling them legally?

09:35AM 4 A No, he wasn't selling them legally.

09:35AM 5 Q And you mentioned something about the ATF was on to him.

09:35AM 6 What do you mean by that?

09:35AM 7 A He said like they was -- they was coming for an inspection

09:35AM 8 or something like that for see if all the fireworks was

09:35AM 9 accounted for, and the thing was gone. So -- so he told me he

09:35AM 10 had to -- they had to -- they had to stage like when they cut

09:35AM 11 the locks, and so when they came, the ATF would look and they

09:35AM 12 would be able to say, Hey, the fireworks got stolen. That's

09:35AM 13 why it's not there.

09:35AM 14 Q So you mean he staged a theft of the fireworks?

09:35AM 15 A Yes.

09:35AM 16 Q So that was going to be the explanation to the ATF as to

09:35AM 17 why the fireworks were gone?

09:35AM 18 A Yes. The ATF or whoever was inspecting 'em, that was

09:35AM 19 going to be the -- whatever law was coming or people that was

09:35AM 20 coming, that was going to be the explanation why the thing was

09:35AM 21 gone.

09:35AM 22 Q Did Mr. Miske ever tell you that he believed he was under

09:35AM 23 investigation by anyone other than the ATF during that time?

09:36AM 24 A During that time? Yeah, well, he would tell me the feds.

09:36AM 25 He used the feds.

09:36AM 1 Q So what -- what did he say?

09:36AM 2 A He told me like the feds got a hard on for him. They

09:36AM 3 always had a hard on for him. That's what he would tell me.

09:36AM 4 Q Did he tell you how he knew that the ATF was investigating

09:36AM 5 him?

09:36AM 6 A He would tell me -- like he would tell me he heard like

09:36AM 7 that. You know, like as in I heard from somebody that -- that

09:36AM 8 knew very well what they was doing.

09:36AM 9 Q Were there any other examples of that where he told you he

09:36AM 10 had heard things of --

09:36AM 11 A Yeah, I cannot -- I cannot think of it right now.

09:36AM 12 Q Do you recall any -- anything like that in regard to the

09:36AM 13 fishing boat?

09:36AM 14 A Oh, yeah, yeah, yeah. Yeah.

09:36AM 15 Q Explain that.

09:36AM 16 A Okay. So I just still in the -- I was just getting out of

09:37AM 17 prison right there. So -- so one day we're kicking back,

09:37AM 18 whatever, and he -- and he tells me his -- his boat got

09:37AM 19 surrounded by -- his fishing boat -- I cannot think of the

09:37AM 20 name, but the big long liner -- you know, get maybe 10, 15

09:37AM 21 people on the crew.

09:37AM 22 But he told me out there the Coast Guard surround

09:37AM 23 them, and -- and they thought he was -- they thought he was

09:37AM 24 bringing in drugs. But he wasn't because somebody told him

09:37AM 25 that -- somebody got -- knew what was happening and told him

09:37AM 1 that -- that, Hey, they intercepted one call from me telling my
09:37AM 2 boat captain that -- that make sure you get that white dog.
09:37AM 3 And he saw he had a white dog in California, and this guy is an
09:37AM 4 animal lover, you know.

09:37AM 5 So they thought the white dog was him telling the
09:37AM 6 captain like grab white -- grab drugs or something like that,
09:38AM 7 you know, because they did a big -- they did a big Coast
09:38AM 8 Guard -- they brought in -- they brought in submarines to look
09:38AM 9 under his boat, cameras to look in every one of his fishes,
09:38AM 10 but, yeah, it was really a white dog, and, you know, he was
09:38AM 11 laughing. You know, we was all laughing at them because they
09:38AM 12 thought that.

09:38AM 13 Q So Mr. Miske is telling you that this is his account of
09:38AM 14 what happened with the search and the Coast Guard and so forth,
09:38AM 15 correct?

09:38AM 16 A Yes.

09:38AM 17 Q But it was a really -- it was a white dog, yes?

09:38AM 18 A Yeah, it was really -- yeah, it was really -- it was
09:38AM 19 really a white dog. He never like -- he never like the dog --
09:38AM 20 this guy loved animals, like he took in -- he took in stray
09:38AM 21 dogs, you know, dogs he never even know. He's a -- he's an
09:38AM 22 animal lover. So --

09:38AM 23 Q So this white dog was his son's dog?

09:38AM 24 A Was his son's dog, yeah. His son was coming back from --
09:38AM 25 from -- I don't know where his son was coming back from. I

09:38AM 1 think Alaska or something like that. Because he was gone --
09:38AM 2 when I first came out of prison, I think he was with his mom in
09:38AM 3 Alaska, and he was coming back, but -- when you come back to
09:39AM 4 Hawaii, you got to put your dog through quarantine, and he
09:39AM 5 never like the dog go through quarantine. So I think --
09:39AM 6 Q So he sent the fishing boat to pick up the dog?
09:39AM 7 A Yeah. If the boat was in the area -- I don't know if he
09:39AM 8 just sent it there or what, but if the boat was in the area,
09:39AM 9 the thing -- it wasn't there to pick up any drugs. It was for
09:39AM 10 grab his dog and bring 'em back. And he told me he heard --
09:39AM 11 somebody had told him that, Hey, they told me that -- they told
09:39AM 12 me that -- the conversation was the reason why they raid my
09:39AM 13 boat was because I told the captain, Make sure you grab the
09:39AM 14 white dog.
09:39AM 15 Q So did Mr. Miske tell you that this was someone that he
09:39AM 16 had information from or was this just hearsay that he heard the
09:39AM 17 comment from?
09:39AM 18 A Yeah, like somebody he -- he heard information from.
09:39AM 19 That's not -- and this is going on while they -- while they
09:39AM 20 still -- while they still on the boat looking in the fishes and
09:39AM 21 stuff like that, you know.
09:39AM 22 Q This would have been --
09:39AM 23 A And he was like, Fuck these, fuckers. They're going to
09:40AM 24 have to pay for the fishes now. This is big fishes, not no
09:40AM 25 long liners they catch, like 150-, 200-pound tunas. So they

09:40AM 1 going with the camera inside and looking at every fish and --
09:40AM 2 Q So Mr. Miske received this information as this was
09:40AM 3 happening.
09:40AM 4 A Yeah, like while -- while this was happening he's already
09:40AM 5 telling me about the -- about the white dog situation, and
09:40AM 6 they -- and they looking under his boat, the Coast Guard.
09:40AM 7 Q So did you from that point on, did you refer to that term
09:40AM 8 to describe other situations, meaning the term "white dog"?
09:40AM 9 A Yes.
09:40AM 10 Q And what did that mean going forward then?
09:40AM 11 A Well, I mean, from -- to me and him the term "white dog"
09:40AM 12 was like -- was like they looking for something that -- that is
09:40AM 13 not right. They looking for something they not going to find.
09:40AM 14 They looking for the wrong -- they looking for the wrong thing.
09:40AM 15 Q So I think you mentioned that Mr. Miske said that he
09:41AM 16 had -- he had upgraded his status since you had gotten out of
09:41AM 17 prison. Is that what you said, something --
09:41AM 18 A Yeah, it would be like, Hey, I'm --
09:41AM 19 Q So he was doing well?
09:41AM 20 A Yeah, I'm moving up, boy.
09:41AM 21 Q You mentioned before that right when you first met
09:41AM 22 Mr. Miske that he also had nice cars, nice things. When you
09:41AM 23 got out of prison, did you still see some of those same things?
09:41AM 24 A I had -- came out of prison, he had nicer cars, you know.
09:41AM 25 Q Did you -- did you recognize any cars that you had seen

09:41AM 1 from when you first met him?

09:41AM 2 A Oh, yeah, yeah. So -- so I remember we was sitting in his

09:41AM 3 office one day, and he was like, Hey, you remember baby girl?

09:41AM 4 And that's what he used to call his -- he had one baby window

09:41AM 5 Bug back in the days, you know, which I never remember at the

09:41AM 6 time. But he was showing me a picture of a long time ago, and

09:41AM 7 he was like, Yeah, I got that back. Like he bought the Bug

09:42AM 8 back, that's what -- yeah.

09:42AM 9 Q This is a -- when you say a Bug, this is a Volkswagen Bug?

09:42AM 10 A Yeah, old school Bug like, you know, 1950s. Yeah, nice --

09:42AM 11 nice Bug, little baby window.

09:42AM 12 Q So he had owned it when you first met him, and then sold

09:42AM 13 it?

09:42AM 14 A He got rid of it and then got it back.

09:42AM 15 Q And then bought it back. Okay.

09:42AM 16 Was he still -- or where was Mr. Miske living to your

09:42AM 17 knowledge at this time when you first got out?

09:42AM 18 A Huh?

09:42AM 19 Q Where was Mr. Miske living?

09:42AM 20 A At this time he was living -- he was living in Kailua, but

09:42AM 21 he had -- he was living in Kailua. He had -- he had a little

09:42AM 22 apartment over there in town.

09:42AM 23 Q The place he was living in Kailua, was that the same place

09:42AM 24 that he had lived when -- before you went to prison?

09:42AM 25 A Yes.

09:42AM 1 Q Had he purchased any other properties that you knew of?

09:42AM 2 A Oh, yeah. He had -- he wasn't living there, but he had

09:43AM 3 his -- he used to call it Lumahai. That was this one property

09:43AM 4 at that time, wasn't -- nothing was built on it.

09:43AM 5 Q Lumahai referenced to what? Is that the street that it

09:43AM 6 was on?

09:43AM 7 A That's the -- that's the street, yeah.

09:43AM 8 Q Did you ever go to visit this property?

09:43AM 9 A Yes.

09:43AM 10 Q What was the state of it when you first saw it?

09:43AM 11 A It was dirt. Was -- was dirt. I remember -- I remember

09:43AM 12 first -- one of the first times that I went there with him,

09:43AM 13 open the gate, it was just dirt -- it was just dirt and

09:43AM 14 equipment. It wasn't even -- cement wasn't poured or nothing.

09:43AM 15 But I remember standing on the top looking down at the

09:43AM 16 property like that, and he was like, Hey, you see that rock out

09:43AM 17 there, I -- I own that fucking rock too. You know. And -- and

09:43AM 18 I was like, What you mean you own the rock? He said, Yeah, I

09:43AM 19 own it. That fucking rock out there, I own that rock. But

09:43AM 20 trust me, I don't want it. You know, if somebody get hurt on

09:43AM 21 that rock, then they going to sue me or something like that.

09:44AM 22 But, yeah, that's -- that's what I remember about that

09:44AM 23 conversation, him telling me about that -- specifically telling

09:44AM 24 me he owned that rock.

09:44AM 25 Q And what part of the island was this property?

09:44AM 1 A Hawaii Kai. Hawaii Kai, Portlock area right before
09:44AM 2 Hanauma Bay.

09:44AM 3 Q Was there any like well-known landmark or attraction type
09:44AM 4 place in that area that's close to the property that you know
09:44AM 5 of?

09:44AM 6 A Yeah, Hanauma Bay was right there.

09:44AM 7 Q Okay. Did Mr. Miske ever have conversations with you
09:44AM 8 about the process of -- of building a structure or a residence
09:44AM 9 on that property?

09:44AM 10 A What?

09:44AM 11 Q Was Mr. Miske going to build something on that property?

09:44AM 12 A Yeah, a house.

09:44AM 13 Q A house?

09:44AM 14 A Yeah.

09:44AM 15 Q Okay. And how did he indicate to you how he was paying
09:44AM 16 for that?

09:44AM 17 A He told me he was paying in cash. He told me that --
09:44AM 18 yeah, he was paying the workers in cash. He told me that
09:45AM 19 that -- that -- he used to always tell me like, Lumahai is
09:45AM 20 sucking up my cash.

09:45AM 21 Q Did you have any conversation with him about how much he
09:45AM 22 paid for the -- just the lot or the property itself?

09:45AM 23 A Nah, I cannot remember that.

09:45AM 24 Q Okay. So did Mr. Miske ever tell you what he was doing
09:45AM 25 to -- to come up with the money to -- to pay for the building

09:45AM 1 of the house since it was draining his -- his cash?

09:45AM 2 A I mean, he had -- he had the nightclub at that time, you

09:45AM 3 know, so he used to -- he used to have this guy Jason, he used

09:45AM 4 to bring him cash from the -- from the nightclub every week.

09:45AM 5 Not every week but constantly.

09:45AM 6 Q Okay. Let me go back and ask you a couple of questions

09:45AM 7 about the nightclub first. Did Mr. Miske tell you how he had

09:45AM 8 acquired the M Nightclub?

09:45AM 9 A He told me he caught -- he caught Sammy for him. Told me

09:46AM 10 he was supposed to buy it for Sammy -- from Sammy, I mean.

09:46AM 11 Q So he bought the club from Sammy?

09:46AM 12 A Yes.

09:46AM 13 Q Who is Sammy?

09:46AM 14 A Sammy Kuuana.

09:46AM 15 Q Did you know Sammy Kuuana?

09:46AM 16 A Yes.

09:46AM 17 Q Did Mr. Miske tell you what the price or the terms of

09:46AM 18 the -- the purchase of the club were?

09:46AM 19 A He was supposed to like -- I don't know, like he supposed

09:46AM 20 to give -- like he gave Sammy some cash, and he was supposed to

09:46AM 21 give Sammy more cash, and then they had worked out something on

09:46AM 22 the side. But I know after he gave him the -- after he gave

09:46AM 23 him the first payment, he was telling me he just said, Fuck

09:46AM 24 this guy.

09:46AM 25 Q So he never paid the -- the balance that was owed?

09:46AM 1 A Yeah, I mean, not -- not that I know of.

09:46AM 2 Q Now, you mentioned that there was a guy you referred to as

09:46AM 3 Jason. Do you recall Jason's last name?

09:46AM 4 A Yokoyama.

09:46AM 5 MR. INCIONG: Could we show Mr. Miller Exhibit 1-039,

09:46AM 6 please?

09:46AM 7 BY MR. INCIONG:

09:47AM 8 Q Do you recognize who's shown in that photo, sir?

09:47AM 9 A Yes.

09:47AM 10 Q How do you recognize that?

09:47AM 11 A I know him, just Jason -- yeah, Jason Yokoyama.

09:47AM 12 Q And that photo accurately shows him as you -- as you know

09:47AM 13 how he looks?

09:47AM 14 A Yes.

09:47AM 15 MR. INCIONG: Okay. Sorry, Your Honor, I believe this

09:47AM 16 is -- this is in, so I won't move to admit it. May we publish

09:47AM 17 it at this time?

09:47AM 18 THE COURT: You may.

09:47AM 19 BY MR. INCIONG:

09:47AM 20 Q So this is Jason Yokoyama?

09:47AM 21 A Yes.

09:47AM 22 Q Did you meet Mr. Yokoyama?

09:47AM 23 A Yes.

09:47AM 24 Q When did you first meet him?

09:47AM 25 A When I -- when I came out.

09:47AM 1 Q From your understanding, what was Mr. Yokoyama's
09:47AM 2 relationship to Mr. Miske?
09:47AM 3 A They used to -- Jason -- the way -- the way Miske used to
09:47AM 4 explain it to me was like he was like his -- you know, he blend
09:47AM 5 right in. He not -- like no tattoos. He used to be in the
09:47AM 6 military. Just a clean cut small guy, not intimidating, you
09:48AM 7 know, but he used to do different odds and ends for -- for
09:48AM 8 Miske.
09:48AM 9 Q So he was -- he was employed by Mr. Miske in some
09:48AM 10 capacity?
09:48AM 11 A Yes.
09:48AM 12 Q Did he do any work for Mr. Miske at the M Nightclub that
09:48AM 13 you knew about?
09:48AM 14 A Yes. I -- from what I know, like he was like -- he was
09:48AM 15 like part-owner running 'em, or if not the manager, you know.
09:48AM 16 Q So when you would go to the M Nightclub, would you see
09:48AM 17 Mr. Yokoyama there?
09:48AM 18 A Yes.
09:48AM 19 Q Did he appear to be working?
09:48AM 20 A Yes.
09:48AM 21 Q Did he appear to be the person running the place?
09:48AM 22 A Yes.
09:48AM 23 Q Okay. Now, you said that he would bring Mr. Miske cash.
09:48AM 24 Did you witness --
09:48AM 25 A Yes.

09:48AM 1 Q Did you witness that?

09:48AM 2 A Yes.

09:48AM 3 Q So describe -- start with give one example that you recall

09:48AM 4 that happened.

09:48AM 5 A We were in -- we were in his office sitting down.

09:49AM 6 Q And when you say "in his office," you're talking about

09:49AM 7 Mr. Miske's office?

09:49AM 8 A Mr. Miske's office on Queen Street, that little -- that

09:49AM 9 little red dot that we was at. When you walk into his

09:49AM 10 office -- when you walk into his shop, his office is on -- is

09:49AM 11 on the left-hand side. So we were inside there, get couches,

09:49AM 12 get seats. We're talking -- we always talking, me and Miske.

09:49AM 13 Jason comes in and he talking going back and forth.

09:49AM 14 Miske is telling him like, Hey, this fucking -- this thing

09:49AM 15 is -- this thing is -- everything is not adding up.

09:49AM 16 And then I shot one back in, Because he's skimming

09:49AM 17 this fucking thing every -- every week with these bags Jason

09:49AM 18 bringing in, small little bags. You know, like happy birthday

09:49AM 19 bags can fit teddy bears inside. We all started laughing.

09:49AM 20 Jason brings the bag in, gives it to Miske, puts it in -- in a

09:50AM 21 drawer.

09:50AM 22 Q Okay. So let me ask you a few follow-up questions to

09:50AM 23 that. So when Mr. Miske said, These things not adding up, what

09:50AM 24 did he -- what did he mean by that?

09:50AM 25 A Yeah, like the -- the profits and stuff like that.

09:50AM 1 Q That the club was not profitable?

09:50AM 2 A Yeah.

09:50AM 3 Q So you said you shot something back. What did you mean by

09:50AM 4 that?

09:50AM 5 A Yeah, I shot back at him like, Because you skimming this

09:50AM 6 -- you skimming this fucking thing every week. And we all

09:50AM 7 started laughing because the bag was still sitting on the -- on

09:50AM 8 the counter at that time, the little -- the little bag.

09:50AM 9 Q So how did you know there was money in the bag?

09:50AM 10 A I -- that's not the -- okay, that's the time I remember

09:50AM 11 that's the time I saying, but many times we stay in there

09:50AM 12 he's -- he's just dropping the bags, we're not talking about

09:50AM 13 'em. But I remember that -- that incident right there.

09:50AM 14 Q So was this a regular occurrence that Mr. Yokoyama would

09:50AM 15 show up with these -- these gift bags?

09:50AM 16 A Yes.

09:50AM 17 Q And Mr. Miske said he -- he would take the bag and put it

09:50AM 18 in his drawer?

09:51AM 19 A Yeah, he get one drawer on the side that, like every

09:51AM 20 time -- every time he need cash, he open that drawer and that's

09:51AM 21 where he kept his -- that's where he kept his cash.

09:51AM 22 Q Did you ever see inside that drawer yourself?

09:51AM 23 A Yes.

09:51AM 24 Q And what did you see inside that drawer?

09:51AM 25 A Always had money inside there. Always had -- had stacks

09:51AM 1 of cash inside there. Wads of cash.

09:51AM 2 Q Could you tell from looking inside the -- the types of

09:51AM 3 bills or the amount of money?

09:51AM 4 A Yeah, I mean you'd just see wads of cash, 100s, 20s.

09:51AM 5 Yeah.

09:51AM 6 Q Did you ever ask Mr. Miske for money and he got it -- gave

09:51AM 7 it to you out of that drawer?

09:51AM 8 A Yes. That drawer, he would constantly open it at all

09:51AM 9 times of the day.

09:51AM 10 Q Okay. Now, so you're still in T.J. Mahoney. You're there

09:51AM 11 for six to nine months approximately?

09:52AM 12 A Yes.

09:52AM 13 Q Were you actually working on obtaining any real employment

09:52AM 14 during that time?

09:52AM 15 A Oh, during that time I was trying to get my -- trying to

09:52AM 16 get my CDL.

09:52AM 17 Q What is your CDL?

09:52AM 18 A Commercial driver's license.

09:52AM 19 Q Why were you trying to get your CDL?

09:52AM 20 A Because for work -- for work at the movies, to drive at

09:52AM 21 the movies you needed your CDL to get into the union.

09:52AM 22 Q So you were trying to get into the Teamsters union?

09:52AM 23 A Yes.

09:52AM 24 Q Who set that up for you?

09:52AM 25 A Miske. Who set up what? What you talking about, getting

09:52AM 1 the driver's license?

09:52AM 2 Q The Teamsters job.

09:52AM 3 A Oh, yeah, Miske.

09:52AM 4 Q So were there certain steps that you had to take to get

09:52AM 5 your -- your commercial driver's license?

09:52AM 6 A Yeah, you gotta -- you gotta go down there see this guy.

09:52AM 7 He do like side jobs on the side, but you go over there a few

09:53AM 8 weeks, drive the truck, make sure you know all the parts on the

09:53AM 9 truck, how to reverse the trucks into stalls and stuff like

09:53AM 10 that. And you take the test on his truck.

09:53AM 11 Q So did the fact that you were a convicted felon now at

09:53AM 12 that time, did that create any obstacles to getting into the

09:53AM 13 union or getting your commercial driver's license?

09:53AM 14 A No.

09:53AM 15 MR. INCIONG: Could we show Mr. Miller Exhibit 9-114,

09:53AM 16 please.

09:53AM 17 BY MR. INCIONG:

09:53AM 18 Q Mr. Miller, do you recognize this document?

09:53AM 19 A Hmm?

09:53AM 20 Q Do you recognize this document?

09:54AM 21 Do you recognize that?

09:54AM 22 A Yeah, I mean I reading 'em, yeah.

09:54AM 23 Q Okay. Have you seen this before?

09:54AM 24 A Yes.

09:54AM 25 Q How do you recognize this?

09:54AM 1 A Get my name on top.

09:54AM 2 Q There's a reference to a TWIC, T-W-I-C. Do you know what

09:54AM 3 that is?

09:54AM 4 A Yeah, that's -- that you need to -- you need that to

09:54AM 5 like -- anywhere to do like on the docks and stuff like that or

09:54AM 6 military bases.

09:54AM 7 Q Okay. So at the time you were trying to get your CDL and

09:54AM 8 trying to get into the -- the movies, were you also thinking

09:54AM 9 about the stevedores or getting into the docks?

09:54AM 10 A Yeah, I was -- I was thinking about 'em. But --

09:54AM 11 Q Was that another option that Mr. Miske had said he could

09:54AM 12 arrange for you?

09:54AM 13 A Yes. Yeah, he told me --

09:54AM 14 Q Go ahead.

09:54AM 15 A He told me -- he was telling me if I wanted to go there,

09:54AM 16 but -- so his brother Johnnie used to -- he used to work there

09:55AM 17 at the time. So he was telling me, he was like, 'eh, I'm

09:55AM 18 telling you, man, you don't want to -- you don't want to go out

09:55AM 19 there and work on the docks. They gotta -- they actually doing

09:55AM 20 some hard work in the sun, they sweating, they pulling these

09:55AM 21 heavy ass rods into the containers. He said, don't -- Don't go

09:55AM 22 work on the docks. Work at the movies, you get paid the same,

09:55AM 23 and it's just easier, you know.

09:55AM 24 Q Okay. So that's partly why at least you decided to take

09:55AM 25 the -- the movies job?

09:55AM 1 A Yes.

09:55AM 2 Q But when you were still thinking about the stevedores, was

09:55AM 3 this letter, Exhibit 9-114, was that submitted on your behalf?

09:55AM 4 A Yes.

09:55AM 5 MR. INCIONG: Your Honor, I would move to admit

09:55AM 6 Exhibit 9-114.

09:55AM 7 THE COURT: Any objection?

09:55AM 8 MR. KENNEDY: Your Honor, could I see the -- the

09:55AM 9 letter?

09:55AM 10 No objection.

09:55AM 11 THE COURT: Without objection, 9-114 is admitted.

09:56AM 12 (Exhibit 9-114 was received in evidence.)

09:56AM 13 MR. INCIONG: May I publish that, Your Honor?

09:56AM 14 THE COURT: Yes, you may.

09:56AM 15 BY MR. INCIONG:

09:56AM 16 Q So, Mr. Miller, this is the letter that was submitted on

09:56AM 17 behalf -- on your behalf by Pomai Bird?

09:56AM 18 If you look at the bottom, the operations manager, did

09:56AM 19 you know Pomai Bird?

09:56AM 20 A If I do, I no remember her.

09:56AM 21 Q Did she ever talk to you about putting this letter

09:56AM 22 together for you?

09:56AM 23 A No.

09:56AM 24 Q If you look at -- let's start with the --

09:56AM 25 MR. INCIONG: If we can enlarge the first paragraph,

09:56AM 1 please.

09:56AM 2 BY MR. INCIONG:

09:56AM 3 Q Starting with that, it says that earlier this year -- and

09:56AM 4 this is dated December 30, 2013, so this is when you were

09:56AM 5 released from prison to the halfway house, correct?

09:56AM 6 A Yes.

09:56AM 7 Q That you were hired as a full-time technician in May, and

09:56AM 8 you began your field training immediately. Was that true?

09:56AM 9 A No.

09:56AM 10 Q You go down to the next paragraph, it says: "During these

09:57AM 11 several months that Wayne has worked with us, staff members as

09:57AM 12 well as clients have commented on his pleasant, easygoing

09:57AM 13 personality. Thus far all reviews have been very positive. He

09:57AM 14 is always punctual, reliable, responsible, and gets along with

09:57AM 15 everyone he comes into contact with."

09:57AM 16 Was that true?

09:57AM 17 A No.

09:57AM 18 Q Why was that not true?

09:57AM 19 A I mean, what you mean why?

09:57AM 20 Q You weren't -- you weren't working there, correct?

09:57AM 21 A Yeah, I wasn't working.

09:57AM 22 Q But that -- so none of that paragraph is accurate.

09:57AM 23 A No.

09:57AM 24 MR. INCIONG: Could we go to the next paragraph,

09:57AM 25 please.

09:57AM 1 BY MR. INCIONG:

09:57AM 2 Q It says: "Since then," which is referencing your hiring,
09:57AM 3 "our pest control customer service base has already shown an
09:57AM 4 increase of 23 percent within our commercial sector. These
09:57AM 5 numbers reflect the dedication and commitment from the entire
09:57AM 6 staff. However, Wayne has proven to be an asset to the
09:58AM 7 corporation and has definitely contributed to our company's
09:58AM 8 success. In September, Wayne was promoted to on-duty shift
09:58AM 9 supervisor because of his diligence and knowledge."

09:58AM 10 Is any of that true?

09:58AM 11 A No.

09:58AM 12 MR. INCIONG: Your Honor, could I have Mr. Miller look
09:58AM 13 at Exhibit 9-115 next, please?

09:58AM 14 THE COURT: Yes.

09:58AM 15 BY MR. INCIONG:

09:58AM 16 Q Mr. Miller, do you recognize that exhibit?

09:58AM 17 A Yes.

09:58AM 18 Q Have you seen that before?

09:58AM 19 A Yes.

09:58AM 20 Q Again, is this another similar letter to the last one that
09:58AM 21 was submitted to you on behalf of your application to be
09:58AM 22 employed by the stevedores union?

09:58AM 23 A Yes -- no, that was for the TWIC, right?

09:58AM 24 Q Or the -- right, the TWIC. I'm sorry.

09:58AM 25 A Yeah, yeah.

09:58AM 1 Q The TWIC application. And this was the same time period
09:58AM 2 again that -- after you had been released from the halfway
09:59AM 3 house in 2013?
09:59AM 4 A Yes.
09:59AM 5 MR. INCIONG: Your Honor, I would move to admit 9-115.
09:59AM 6 THE COURT: Any objection?
09:59AM 7 MR. KENNEDY: No objection.
09:59AM 8 THE COURT: Without objection, 9-115 is admitted. You
09:59AM 9 may publish.
09:59AM 10 (Exhibit 9-115 was received in evidence.)
09:59AM 11 MR. INCIONG: Thank you, Your Honor.
09:59AM 12 BY MR. INCIONG:
09:59AM 13 Q So again, Mr. Miller, do you know David Melton, who is
09:59AM 14 listed as the general manager, who signed this letter?
09:59AM 15 A Yeah, I know Dave.
09:59AM 16 Q How do you know Mr. Melton?
09:59AM 17 A You know, I know he was big haole guy, baldheaded.
09:59AM 18 Q How do you know him, though, from where?
09:59AM 19 A He used to always be at -- when I got out he, used to
09:59AM 20 always be at the shop. Like he was -- he was like the -- I
09:59AM 21 don't know what he was over there, but general manager there.
09:59AM 22 Q The shop you're referring to is Kama'aina Termite and Pest
09:59AM 23 Control?
09:59AM 24 A Yes.
09:59AM 25 Q And so if we look at --

09:59AM 1 MR. INCIONG: If we can focus on that first paragraph
09:59AM 2 of that letter, please.
09:59AM 3 BY MR. INCIONG:
09:59AM 4 Q So Mr. Melton says, as general manager, that he supervised
10:00AM 5 Wayne Miller since your hire in May 2013, that you initially
10:00AM 6 started as a full-time technician, and that you are now one of
10:00AM 7 the on-duty shift supervisors. Is any of that true?
10:00AM 8 A No.
10:00AM 9 Q I'll have you look at the --
10:00AM 10 MR. INCIONG: Highlight the next paragraph, please.
10:00AM 11 BY MR. INCIONG:
10:00AM 12 Q "Our customers have enjoyed working with Wayne. We have
10:00AM 13 not received any complaints, nor had to reprimand him for
10:00AM 14 anything at all. His work ethic is remarkable as he continues
10:00AM 15 to strive and achieve our monthly quotas. Wayne has proven to
10:00AM 16 be a very motivated individual and a great addition to our
10:00AM 17 team."
10:00AM 18 Is any of that accurate?
10:00AM 19 A No. No.
10:00AM 20 MR. INCIONG: Okay. Next paragraph then, please.
10:00AM 21 BY MR. INCIONG:
10:00AM 22 Q It says: "We believe Wayne does not pose any kind of
10:00AM 23 security risk. Therefore, we are asking that TSA withdraw its
10:01AM 24 initial denial and grant him a TWIC," T-W-I-C.
10:01AM 25 So this letter was sent specifically to try and get

10:01AM 1 you this security clearance?

10:01AM 2 A Yes.

10:01AM 3 Q Were you told by -- or did you know from any other source

10:01AM 4 that these letters were being written on your behalf?

10:01AM 5 A I don't know. I no really remember that market for -- I

10:01AM 6 just -- like if I went put 'em all together and send them to

10:01AM 7 them, that's --

10:01AM 8 Q Well, okay --

10:01AM 9 A I never read 'em.

10:01AM 10 Q Let me ask you this: Did you ask Mr. Melton to write this

10:01AM 11 letter for you?

10:01AM 12 A No.

10:01AM 13 Q Did you ask Pomai Bird to write Exhibit 9-114 for you?

10:01AM 14 A No, you know what. I no remember if -- I no remember.

10:01AM 15 Q Okay.

10:01AM 16 A And I don't remember if I was there or what, but I no

10:01AM 17 remember asking them for the -- for the letters or if I --

10:01AM 18 Q But the contents of these letters were not -- were not

10:01AM 19 true.

10:01AM 20 A No. As far as me working there and being -- being the --

10:02AM 21 what they say? Shift supervisor, yeah, I don't know about --

10:02AM 22 yeah, none of that is true. 20 percent increase and all that.

10:02AM 23 Q Okay. All right. So during this time --

10:02AM 24 A It was just to get the TWIC, right.

10:02AM 25 Q Pardon me?

10:02AM 1 A I said this was all just to get the TWIC.

10:02AM 2 Q Okay. That was the security clearance that you needed.

10:02AM 3 A Yes.

10:02AM 4 MR. INCIONG: All right. We can take that down.

10:02AM 5 BY MR. INCIONG:

10:02AM 6 Q Now, other than the M Nightclub, the money issue that you

10:02AM 7 talked about before, did Mr. Miske ever complain to you about

10:02AM 8 other problems that he had that arose out of the M Nightclub?

10:02AM 9 A Yeah, at that time he was -- I don't know if it arose out

10:02AM 10 of the M, though, but I know he was -- I cannot remember the

10:02AM 11 stuff, but he had some cases going on that he used to complain

10:03AM 12 about, and I know he had to go to -- he had to go to cell block

10:03AM 13 one time and like stay there overnight. But I no remember the

10:03AM 14 details.

10:03AM 15 Q When you say cases, what are you referring to?

10:03AM 16 A Like -- like whatever cases he had, assault cases and

10:03AM 17 stuff like that.

10:03AM 18 Q Did Mr. Miske ever indicate to you how he wanted to

10:03AM 19 resolve that case?

10:03AM 20 A Yeah, I cannot remember, Mark.

10:03AM 21 Q Okay.

10:03AM 22 A But I remember him complaining about it. Because the guy

10:03AM 23 Galmiche, right, I remember him always complaining about the

10:03AM 24 guy Galmiche, but I don't know if that happened at the M,

10:03AM 25 that's why. That's one of those cases I remember him always

10:03AM 1 complaining about.

10:03AM 2 Q All right. Well, whether -- let's take aside whether or

10:03AM 3 not that happened at the M or not, but you remember this -- the

10:03AM 4 name Galmiche?

10:03AM 5 A Yeah.

10:03AM 6 Q Why do you remember that name?

10:04AM 7 A Huh?

10:04AM 8 Q Why do you remember that name?

10:04AM 9 A Somebody he used to always complain about.

10:04AM 10 Q And what --

10:04AM 11 A This guy no like drop 'em. He like money. I don't like

10:04AM 12 give 'em no money, you know. But if I do something to him,

10:04AM 13 they going know that's me. Like he used to always say that

10:04AM 14 kind of stuff.

10:04AM 15 Q Okay. So when did you actually get released from the

10:04AM 16 halfway house on to supervised release where you were living on

10:04AM 17 your own?

10:04AM 18 A I actually get released from the halfway house

10:04AM 19 January 14th.

10:04AM 20 Q 2014?

10:04AM 21 A Yes.

10:04AM 22 Q Where did you move to?

10:04AM 23 A Pearl City, one condo in Pearl City.

10:04AM 24 Q Were you living by yourself?

10:04AM 25 A No.

10:04AM 1 Q Who were you living with?

10:04AM 2 A My -- my son's mom. My --

10:04AM 3 Q Were you working -- actually working anywhere now at this

10:04AM 4 point?

10:04AM 5 A No, not at this point.

10:04AM 6 Q So what are you doing at the time?

10:04AM 7 A I still collecting -- well, I just got out of the halfway

10:04AM 8 house, I still -- I still getting the stubs from -- from Miske

10:04AM 9 to turn in to -- to turn in to my probation officer so it looks

10:05AM 10 like I'm still working.

10:05AM 11 Q Okay. Now, that you're at the halfway house, you can come

10:05AM 12 and go as you please, correct?

10:05AM 13 A Yes.

10:05AM 14 Q You don't have to get a call every day to say you're

10:05AM 15 needed for work or anything like that, right?

10:05AM 16 A No.

10:05AM 17 Q So does your contact or communication, does it decrease

10:05AM 18 with Mr. Miske now that you're -- you're living with your

10:05AM 19 girlfriend in Pearl City?

10:05AM 20 A No, no, no, stayed good. It was good.

10:05AM 21 Q Okay. So the times that you weren't with Mr. Miske, how

10:05AM 22 would you typically communicate with him?

10:05AM 23 A Most of the time if we're not talking about meeting up

10:05AM 24 somewhere, but he used to always call me or send message to me

10:05AM 25 meet him at certain places and, you know, meet him at -- meet

10:05AM 1 down the road from his shop, got a little beach by John
10:05AM 2 Dominis, and meet me down there at the beach, meet me down
10:05AM 3 there at the -- at the bay. You know, meet me at certain
10:06AM 4 places just want -- just to talk.
10:06AM 5 Q Why not just call you directly and talk over the phone?
10:06AM 6 A Yeah, sometimes we never like -- not like we was talking
10:06AM 7 about shocker or anything, you know.
10:06AM 8 Q What do you mean?
10:06AM 9 A I mean most of the times we was just -- we never like
10:06AM 10 be -- what's that called? If somebody was listening, if he
10:06AM 11 always thought the feds was on him, you know. And he was right
10:06AM 12 about that.
10:06AM 13 Q Did you ever communicate with him over the telephone?
10:06AM 14 A Yeah. Yeah.
10:06AM 15 Q Were there specific or certain phones that you used to do
10:06AM 16 that?
10:06AM 17 A Yeah, I had one regular phone or he would send message to
10:06AM 18 me, but we always had little burners on the side.
10:06AM 19 Q What do you mean by "burners on the side"?10:06AM 20 A Burners, like phones you can just toss away after that.
10:06AM 21 You know, but even on those phones we never used to -- me and
10:06AM 22 him never used -- we used to always just call, What you doing?
10:07AM 23 We going to meet up. Or even for just eat lunch sometimes,
10:07AM 24 we're not talking about something, sometimes something comes
10:07AM 25 up. But we always had burner phones to contact each other.

10:07AM 1 Q Did Mr. Miske ever provide you with burner phones?

10:07AM 2 A Yes.

10:07AM 3 Q How many burner phones would you have at any particular

10:07AM 4 time?

10:07AM 5 A A lot -- I had a lot.

10:07AM 6 Q What is a lot?

10:07AM 7 A More than five.

10:07AM 8 Q When you were with Mr. Miske in person, were there certain

10:07AM 9 ways you would communicate at times, rather than just talking

10:07AM 10 to each other?

10:07AM 11 A Yeah. Most of the time -- majority of the time if -- if

10:07AM 12 I'm more than talking to him, and it's about -- it's not about

10:07AM 13 something that -- that we don't want nobody to hear, then he

10:07AM 14 would grab his phone -- one of his phones and type 'em like in

10:07AM 15 the notes, he would type what he was telling me and show 'em to

10:07AM 16 me on his phone like that.

10:08AM 17 But if we was at his office, he would -- he would --

10:08AM 18 he gotta a board on his office that he would write down

10:08AM 19 whatever -- whatever he wanted to say, he would write 'em down

10:08AM 20 on the glass board and tell me, Hey, read that, you know. And

10:08AM 21 he would tell me, What's up? And I would go over there and

10:08AM 22 write the response, you know, and then he would erase 'em.

10:08AM 23 Yeah, if --

10:08AM 24 Q So is this -- are you trying to say when you had these

10:08AM 25 sorts of conversations, you're talking about criminal topics?

10:08AM 1 A Yes.

10:08AM 2 Q So when he would put in the notes in the phone and show

10:08AM 3 you the message, how would you respond? Same way or would you

10:08AM 4 talk to him back?

10:08AM 5 A Yeah. No, I would either type 'em back to him or -- or

10:08AM 6 give 'em like one -- like one okay or something like that.

10:08AM 7 Q Do you find that strange that that's how he wanted to

10:08AM 8 communicate with you?

10:08AM 9 A No, it was always -- that's the -- that's the relationship

10:09AM 10 we had. You know, wasn't -- wasn't living honest lives to

10:09AM 11 where we could just talk about anything we wanted to. That's

10:09AM 12 the relationship we had. That's the relationship we created.

10:09AM 13 Q During this time Mr. Miske told you that he -- he believed

10:09AM 14 or he knew he was under investigation?

10:09AM 15 A Yeah. And he -- he would always -- he would tell me that

10:09AM 16 these guys, the feds get a hard on for him. These fuckers got

10:09AM 17 one hard on for me. You know.

10:09AM 18 MR. INCIONG: Can I show Mr. Miller Exhibit 1-778,

10:09AM 19 please?

10:09AM 20 THE COURT: Yes. And we're ten minutes after 10:00,

10:09AM 21 if you would give some thought to an appropriate time to break.

10:09AM 22 MR. INCIONG: Okay, Your Honor. I have just a few

10:09AM 23 quick pictures, and if we can take a break after that --

10:09AM 24 THE COURT: Sure.

10:09AM 25 MR. INCIONG: -- if that works.

10:09AM 1 THE COURT: Yes.

10:09AM 2 MR. INCIONG: Thank you.

10:09AM 3 1-778 has actually been admitted, I believe, Your

10:09AM 4 Honor. If I could publish that?

10:09AM 5 THE COURT: Yes, go ahead.

10:09AM 6 BY MR. INCIONG:

10:09AM 7 Q So, Mr. Miller, this has already been admitted into

10:10AM 8 evidence, but do you recognize what's shown in that picture?

10:10AM 9 A Yes.

10:10AM 10 Q What is that?

10:10AM 11 A That's his office right there. That's his -- that's his

10:10AM 12 office right there.

10:10AM 13 Earlier when I was talking about the -- the desk

10:10AM 14 that -- so this is his chair right here. If that's the same

10:10AM 15 chair, he had that chair for a long time, like he was -- he was

10:10AM 16 attached to that chair.

10:10AM 17 Q So you just -- you drew a circle over it, looks like a

10:10AM 18 black -- the back of a black office type chair that's on the

10:10AM 19 lower right-hand corner of the picture?

10:10AM 20 A Yes.

10:10AM 21 Q Okay.

10:10AM 22 A And this is his desk -- this is where he sit right here.

10:10AM 23 This is his desk, this is his chair, and this is the -- when we

10:10AM 24 was talking about the drawer earlier.

10:10AM 25 Q Yes.

10:10AM 1 A Right down there.

10:10AM 2 Q So the drawer is on the left side of the desk, if you're

10:10AM 3 sitting at the desk facing towards that window?

10:10AM 4 A Yes.

10:10AM 5 Q All right. And when you say "his office," whose office

10:11AM 6 are you referring to?

10:11AM 7 A Mike Miske.

10:11AM 8 Q And this is the office specifically located where?

10:11AM 9 A On Queen Street, the shop. We call 'em the shop. Is the

10:11AM 10 glass broken? Go ahead. I just noticed that.

10:11AM 11 Q Okay. So let me have you look at Exhibit 1-779, please.

10:11AM 12 MR. INCIONG: This has also been previously admitted,

10:11AM 13 I believe, Your Honor.

10:11AM 14 THE COURT: Yes, it has. Go ahead.

10:11AM 15 BY MR. INCIONG:

10:11AM 16 Q So this is -- this is another photo. Do you recognize

10:11AM 17 this, Mr. Miller?

10:11AM 18 A Yes.

10:11AM 19 Q What does this show?

10:11AM 20 A That's the -- when you're looking -- that's the opposite

10:11AM 21 angle in his office.

10:11AM 22 Q Okay. So the -- the desk that's shown there, that's the

10:11AM 23 one that you just referenced which the drawer that has the

10:11AM 24 money in would be -- from this angle on the right side, but

10:11AM 25 it's on the left side if you're sitting at the desk in that

10:11AM 1 chair?

10:11AM 2 A Yes.

10:11AM 3 Q That armchair, the black chair that's behind the desk,

10:11AM 4 that's the one you referenced as -- that's his chair?

10:12AM 5 A Yes.

10:12AM 6 Q All right. Do you see anything behind the desk that's --

10:12AM 7 that you notice as well or recall on the wall?

10:12AM 8 A Okay. So -- so that's that board that I was just talking

10:12AM 9 about earlier --

10:12AM 10 Q Yes.

10:12AM 11 A -- where he -- where he write messages to me. If he

10:12AM 12 writing something down, he writes it on that wall -- on that --

10:12AM 13 on that glass right there.

10:12AM 14 Q And then that's --

10:12AM 15 A Looks like glass, but that's like one dry erase glass

10:12AM 16 where you could write -- like if he was telling me something he

10:12AM 17 never wanted nobody to hear, he would write 'em on that board,

10:12AM 18 and then tell it to me, and then, what, or something like that,

10:12AM 19 then erase 'em.

10:12AM 20 Q Okay. Let me have you look at one last photo then on that

10:12AM 21 same topic, Exhibit 1-571.

10:12AM 22 MR. INCIONG: If we could show that to Mr. Miller. I

10:12AM 23 believe this has also been previously admitted.

10:13AM 24 THE COURT: Yes. Go ahead.

10:13AM 25 MR. INCIONG: May I publish that, Your Honor?

10:13AM 1 THE COURT: You may.

10:13AM 2 BY MR. INCIONG:

10:13AM 3 Q So, Mr. Miller, do you see what's been marked as

10:13AM 4 Exhibit 1-571?

10:13AM 5 A Yes.

10:13AM 6 Q Is that the -- the erasable board you were just

10:13AM 7 referencing?

10:13AM 8 A Yes.

10:13AM 9 Q How often would Mr. Miske write on this board when you

10:13AM 10 were meeting with him at that office?

10:13AM 11 A A lot. A lot. If we talking, we talking about something,

10:13AM 12 you know, that -- because most of the time we talk, if we talk

10:13AM 13 about something, we talking like in code. Like we're not

10:13AM 14 actually saying what we saying, or if he like get one message

10:13AM 15 to me, he would write 'em on this -- he would write 'em right

10:13AM 16 here.

10:13AM 17 Q And then erase it after?

10:13AM 18 A And erase 'em, yeah. This boy had many messages. A lot

10:13AM 19 of messages on top. Look like cars on 'em right now, but --

10:14AM 20 yeah, he had a lot of messages on there.

10:14AM 21 MR. INCIONG: Your Honor, we could break here, I

10:14AM 22 think, if that's --

10:14AM 23 THE COURT: All right. So we have been going for

10:14AM 24 about an hour and 45 minutes. Let's go ahead and take our

10:14AM 25 first break of the morning and the day.

10:14AM 1 As we go to break, I'll remind our jurors to, once
2 again, refrain from discussing the substance of this case with
3 anyone, including one another, until I advise you otherwise; to
4 refrain from accessing any media or other accounts of this case
5 that may be out there; and then finally, please do not conduct
6 any independent investigation into the facts, circumstances or
10:14AM 7 persons involved.

10:14AM 8 Let's try to keep it to about a 15-minute break and
10:14AM 9 resume right around 10:30.

10:15AM 10 (Proceedings were recessed at 10:15 a.m. to 10:34
10:26AM 11 a.m.)

10:34AM 12 THE COURT: All right. Back from our morning break.

10:34AM 13 Mr. Inciong, you may resume your direct examination of

10:34AM 14 Mr. Miller.

10:34AM 15 MR. INCIONG: Thank you, Your Honor.

10:34AM 16 BY MR. INCIONG:

10:34AM 17 Q Mr. Miller, when we left off you were talking about the
10:34AM 18 time you spent in Mr. Miske's office at Kama'aina Termite and
10:34AM 19 Pest Control, and you were describing the clear board, correct?

10:34AM 20 A Yes.

10:34AM 21 Q You spent a lot of time in that office?

10:34AM 22 A Yes.

10:34AM 23 Q I'd like you to look at Exhibit 1-59 at this time, please.

10:34AM 24 Do you recognize whose picture is there?

10:34AM 25 A Yeah, I recognize her, but I don't know her name.

10:34AM 1 Q Okay. If you didn't know her name, but -- where do you
10:35AM 2 recognize her from?
10:35AM 3 A I remember seeing her at the shop.
10:35AM 4 Q Does this photo of her accurately show how she looked at
10:35AM 5 that time when you were spending time at the Kama'aina Termite
10:35AM 6 and Pest Control shop?
10:35AM 7 A Yes.
10:35AM 8 MR. INCIONG: Your Honor, I would move to admit
10:35AM 9 Exhibit 1-59.
10:35AM 10 THE COURT: Mr. Kennedy?
10:35AM 11 MR. KENNEDY: I would object, Your Honor. Lack of
10:35AM 12 foundation.
10:35AM 13 THE COURT: Sustained.
10:35AM 14 BY MR. INCIONG:
10:35AM 15 Q Mr. Miller, you said that you recognized this person from
10:35AM 16 when you were at the shop.
10:35AM 17 A Yes.
10:35AM 18 Q Okay. How would -- how would you -- what contact or
10:35AM 19 interaction, if any, did you have with this person when you
10:35AM 20 were there?
10:35AM 21 A I didn't have -- I really don't have no contact with her,
10:35AM 22 because -- the only thing I notice her, I remember her because
10:35AM 23 every time she would come, like she would ask us -- Miske would
10:35AM 24 ask us, Hey, let me talk to her real quick, you know. So I
10:35AM 25 would have to leave, and they -- he would shut the door and

10:35AM 1 then go -- go in there with her. So I never -- I never
10:36AM 2 remember have no -- I don't remember having any contact with
10:36AM 3 her if I did.
10:36AM 4 Q You were never introduced to her that you recall?
10:36AM 5 A No.
10:36AM 6 Q But you recall seeing her at the shop?
10:36AM 7 A Yes.
10:36AM 8 Q On more than one occasion?
10:36AM 9 A Yes. But like I said, every time we seen her, she -- if
10:36AM 10 we was in the office, Miske would tell us, Hey, let me talk to
10:36AM 11 her or stuff like that. He wouldn't -- they I wouldn't -- I
10:36AM 12 wouldn't know conversation what they was talking about or
10:36AM 13 whatnot.
10:36AM 14 Q You would be asked to leave?
10:36AM 15 A Yes.
10:36AM 16 Q That's how -- that's how you remember her?
10:36AM 17 A I wasn't asked to leave, but I would be -- he would be
10:36AM 18 like, Hey, let me talk to her real quick, you know. And then
10:36AM 19 that would be like -- yeah, I guess he ask me for leave,
10:36AM 20 like -- but I would leave the office when he said that.
10:36AM 21 Q Okay. So it's because of that that's why you remember her
10:36AM 22 and what she looks like?
10:36AM 23 A Yes.
10:36AM 24 MR. INCIONG: Your Honor, I would move to admit 1-59.
10:36AM 25 THE COURT: During what time frame was this?

10:36AM 1 BY MR. INCIONG:

10:36AM 2 Q What -- so this is -- we're talking about the period when

10:36AM 3 you got released from the halfway house --

10:36AM 4 A Yes.

10:37AM 5 Q -- in 2013 onward.

10:37AM 6 A Yes.

10:37AM 7 Q Is that the time frame you're referencing?

10:37AM 8 A Yes.

10:37AM 9 Q Was this a period over months or years that you would see

10:37AM 10 her there?

10:37AM 11 A Yeah, I would see her -- not often, you know, but I seen

10:37AM 12 her there a few times when I -- and I was there a lot, you

10:37AM 13 know.

10:37AM 14 MR. INCIONG: Your Honor, may I move to admit at this

10:37AM 15 time?

10:37AM 16 THE COURT: Mr. Kennedy?

10:37AM 17 MR. KENNEDY: Objection remains, Your Honor.

10:37AM 18 THE COURT: All right. The objection is overruled.

10:37AM 19 You recognize this person, you just don't know her

10:37AM 20 name. Is that fair?

10:37AM 21 THE WITNESS: Yes. I recognize her and the little --

10:37AM 22 the little contact that we did have was like just walking by,

10:37AM 23 though, but she would always go into the office and would

10:37AM 24 mainly just be them talking. And I would say -- because he --

10:37AM 25 if I was there or whoever was there with me, he would ask us,

10:37AM 1 Let me talk to her. You know, I gotta talk to her.

10:37AM 2 THE COURT: All right. You may publish, Mr. Inciong.

10:38AM 3 MR. INCIONG: Thank you, Your Honor.

10:38AM 4 (Exhibit 1-59 was received in evidence.)

10:38AM 5 BY MR. INCIONG:

10:38AM 6 Q So although I understand you don't know her name, this is

10:38AM 7 the woman that you -- you recognize from being asked to leave

10:38AM 8 or at least give Mr. Miske privacy to speak with her, correct?

10:38AM 9 A Yes.

10:38AM 10 Q Was that unusual for you to be asked to leave so he could

10:38AM 11 speak to anybody?

10:38AM 12 A At that time I wasn't -- I never really asked questions.

10:38AM 13 You know, that was his -- that was his business, you know, but

10:38AM 14 this short little lady, you know.

10:38AM 15 Q Okay. My question is, were you regularly asked to leave

10:38AM 16 or give him privacy to talk to people, or was that a rarity?

10:38AM 17 A Yeah, I wasn't -- wasn't usually asked to leave, but when

10:38AM 18 she was there, I was asked to leave.

10:38AM 19 Q Okay. All right. Understood.

10:38AM 20 A He wanted to talk in private without anybody there.

10:38AM 21 Q Okay. Now, other than the Kama'aina office, were there

10:38AM 22 any other places that you would regularly speak with Mr. Miske

10:38AM 23 so you would have privacy or you wouldn't be detected?

10:39AM 24 A That I would speak to Miske?

10:39AM 25 Q Yes.

10:39AM 1 A Yeah, few places.

10:39AM 2 Q Okay. Tell the jury.

10:39AM 3 A I think I told him before, but if you go straight down

10:39AM 4 Ward by -- by get one restaurant called John Dominis, you know,

10:39AM 5 and park over there, and you can walk. You know, we used -- if

10:39AM 6 the beach surfers go surf over there and get one long walkway

10:39AM 7 going all the way down in that Kaka'ako area, get like hills

10:39AM 8 that go like that (indicating), and we used to talk and walk

10:39AM 9 along the rocks and -- yeah, we used to talk over there.

10:39AM 10 Q Okay. Are you familiar with the Honolulu Club?

10:39AM 11 A Yes.

10:39AM 12 Q How do you know about the Honolulu Club?

10:39AM 13 A That's where -- that's where Miske used to -- that's his

10:39AM 14 gym he used to work out at.

10:39AM 15 Q Did you ever meet him there?

10:39AM 16 A Yes.

10:39AM 17 Q To work out?

10:39AM 18 A No, I mean he got -- when I got out, he got us memberships

10:40AM 19 and stuff, but we never -- I never used to go there for

10:40AM 20 workout, but I used to go there for meet him too. They get one

10:40AM 21 spiral parking that go up into Honolulu Club, underground

10:40AM 22 parking where you can drive up like one spiral, cars parked

10:40AM 23 like that. But we used to go over there just to -- just to

10:40AM 24 talk. We used to go in that area and just walk back and forth

10:40AM 25 and talk.

10:40AM 1 Q So that's the parking lot of the Honolulu Club?

10:40AM 2 A Parking lot of the Honolulu Club, yeah.

10:40AM 3 Q Are you familiar with Maunalua Bay?

10:40AM 4 A Yes.

10:40AM 5 Q How do you know about Maunalua Bay?

10:40AM 6 A That's where we used to go ride -- ride jet skis,

10:40AM 7 barbecue, and bring our families and stuff like that. Hawaii

10:40AM 8 Kai, it's in Hawaii Kai, that little -- that little bay over

10:40AM 9 there.

10:40AM 10 Q Did you meet for those occasions a lot?

10:40AM 11 A Yes.

10:40AM 12 Q How frequently would you say?

10:40AM 13 A At least couple times a month, you know, on the weekends

10:41AM 14 and stuff like that.

10:41AM 15 Q Okay. So I'm going to show you Exhibit 1-15-C, which was

10:41AM 16 previously admitted earlier today, just for reference.

10:41AM 17 MR. INCIONG: If I could show that to the jury as

10:41AM 18 well, Your Honor, please.

10:41AM 19 THE COURT: Yes, go ahead.

10:41AM 20 BY MR. INCIONG:

10:41AM 21 Q So this is the -- the map of Oahu you saw earlier,

10:41AM 22 correct?

10:41AM 23 A Yes.

10:41AM 24 Q So if you could just draw a circle or an X approximately

10:41AM 25 where Maunalua Bay is located.

10:41AM 1 A (Witness complies.) We stay right around -- right in that
10:41AM 2 area right there.

10:41AM 3 Q Okay. So again, this is on the southeast end of Oahu,
10:41AM 4 correct?

10:41AM 5 A Yes.

10:41AM 6 MR. INCIONG: Could I show Mr. Miller 1-1022 at this
10:41AM 7 time, please?

10:41AM 8 Your Honor, this has been admitted I believe as well
10:42AM 9 previously.

10:42AM 10 THE COURT: Yes, go ahead.

10:42AM 11 MR. INCIONG: Can I publish that?

10:42AM 12 THE COURT: Yes.

10:42AM 13 BY MR. INCIONG:

10:42AM 14 Q Mr. Miller, do you recognize what's shown here?

10:42AM 15 A Yes.

10:42AM 16 Q What is this?

10:42AM 17 A This is the -- this is the Hawaii Kai area right there.

10:42AM 18 Q And is that showing Kalanianaole Highway where it goes --
10:42AM 19 or leads up to --

10:42AM 20 A Yes.

10:42AM 21 Q -- Maunalua Bay?

10:42AM 22 A Yes.

10:42AM 23 Q Where -- or is there a certain area or place that you
10:42AM 24 would meet at Maunalua Bay when you jet skied and barbecue like
10:42AM 25 you just described?

10:42AM 1 A Before -- when -- before we used to go like over here, but
10:42AM 2 then after we started going over here.
10:42AM 3 Q Okay. What do you mean -- before and after what?
10:42AM 4 A Like when I first came home, I don't know why we was going
10:42AM 5 over here, but we used to just -- we used to park right there,
10:42AM 6 park the trucks right there, dump the tail -- drop the tailgate
10:42AM 7 down, and -- yeah, we used to go right there.
10:43AM 8 Q Okay. And then you switched location for some reason?
10:43AM 9 A Yeah.
10:43AM 10 Q All right.
10:43AM 11 A Found a better location, I guess.
10:43AM 12 Q Let me have you look at 1-023.
10:43AM 13 MR. INCIONG: I believe that has been previously
10:43AM 14 admitted.
10:43AM 15 THE COURT: Yes, it has.
10:43AM 16 MR. INCIONG: I'm sorry, 1-023. I'm sorry. I'm
10:43AM 17 sorry. Let me say this one more time. 1-023.
10:43AM 18 There we go. Thank you. 1-1023.
10:43AM 19 THE COURT: Yes. 1-1023 has been admitted.
10:43AM 20 (Exhibit 1-1023 was received in evidence.)
10:43AM 21 MR. INCIONG: I'll say this the most confusing way I
10:43AM 22 can.
10:43AM 23 BY MR. INCIONG:
10:43AM 24 Q So do you recognize what's shown in that picture?
10:43AM 25 A Yes.

10:43AM 1 Q How do you recognize that?

10:43AM 2 A That's where we -- that's where we used to hang out right

10:43AM 3 here.

10:43AM 4 Q Okay.

10:43AM 5 A Right -- right in this area.

10:43AM 6 Q And this is the second location that you moved to later

10:43AM 7 on?

10:43AM 8 A Yeah.

10:43AM 9 Q Okay. And that was the normal meeting spot?

10:44AM 10 A Yes.

10:44AM 11 Q Now, you mentioned that you would ride jet skis when you

10:44AM 12 went there; is that correct?

10:44AM 13 A Yes.

10:44AM 14 Q Did Mr. Miske have a special fondness for jet skis?

10:44AM 15 A Yes.

10:44AM 16 Q Would you ride jet skis with Mr. Miske?

10:44AM 17 A Yes.

10:44AM 18 Q Was it just for fun or were there other purposes of riding

10:44AM 19 the jet skis?

10:44AM 20 A Most of the times it was just was for fun, you know, but

10:44AM 21 sometimes like if we would talk, he would -- we would go out

10:44AM 22 somewhere. We would go to the sandbar, just let the skis float

10:44AM 23 right there, put the -- put the life jackets on like that, and

10:44AM 24 just kick back over there and talk about whatever, whatever we

10:44AM 25 was talking about. Yeah.

10:44AM 1 Q Were you just talking about casual things or was there --
10:44AM 2 A Yeah, we was doing that. We was never talking casual, you
10:44AM 3 know. We not talking about what we can get from Zippy's that
10:45AM 4 night.
10:45AM 5 Q Okay. So you mentioned the life vests. What were you
10:45AM 6 trying to -- I didn't understand what you were saying about the
10:45AM 7 life vests.
10:45AM 8 A Yeah, well, he would always -- if we talking about what --
10:45AM 9 if we talking about something we don't want nobody to hear, he
10:45AM 10 would always like, Hey, I don't know who -- the skis, I don't
10:45AM 11 know what they doing. I not by them all day. And the life
10:45AM 12 jackets, take them off. He don't know if they get devices for
10:45AM 13 listen to him or whatnot, you know. But he would make me take
10:45AM 14 off the life jacket. He would take off his, put 'em on the
10:45AM 15 skis, and get one sandbar over there that we used to just kick
10:45AM 16 back over there and talking. And the skis used to be like a
10:45AM 17 little bit away from us.
10:45AM 18 Q So just the two of you are speaking at that point with
10:45AM 19 nobody else around?
10:45AM 20 A No.
10:45AM 21 MR. INCIONG: Can I show the witness Exhibit 1-856?
10:45AM 22 This is actually a video. If we could just show the
10:46AM 23 still frame without playing it, just to make sure the -- the
10:46AM 24 witness recognizes it first.
10:46AM 25 1-856.

10:46AM 1 BY MR. INCIONG:

10:46AM 2 Q Mr. Miller, prior to coming to court today, did you have a

10:47AM 3 chance to view this video?

10:47AM 4 A Yes.

10:47AM 5 Q Did you recognize that?

10:47AM 6 A Yes.

10:47AM 7 Q Did you recognize who was depicted in the video?

10:47AM 8 A Yes.

10:47AM 9 Q Did you recognize where that is -- that video is shown?

10:47AM 10 A Yes.

10:47AM 11 Q Is this the -- the area generally that you were just

10:47AM 12 describing?

10:47AM 13 A Yes. That out in the -- that right there is out in the

10:47AM 14 bay, though.

10:47AM 15 Q But this is the same bay that you were talking about where

10:47AM 16 you would meet and jet ski regularly and meet with Mr. Miske?

10:47AM 17 A Yes.

10:47AM 18 MR. INCIONG: Your Honor, I would move to admit 1-856.

10:47AM 19 MR. KENNEDY: No objection, Your Honor.

10:47AM 20 THE COURT: Without objection, 1-856 is admitted, and

10:47AM 21 you may play the video.

10:47AM 22 (Exhibit 1-856 was received in evidence.)

10:47AM 23 MR. INCIONG: Thank you, Your Honor.

10:47AM 24 (Video was played for the jury.)

10:47AM 25 BY MR. INCIONG:

10:48AM 1 Q Okay. Mr. Miller, there was no volume there, but without
10:49AM 2 the volume, I can still ask you what I -- what I want to.
10:49AM 3 First of all, who did you recognize in that video?
10:49AM 4 A That's me and -- me and my son's mom.
10:49AM 5 Q Whose jet skis were you riding?
10:49AM 6 A Miske's.
10:49AM 7 Q There was another jet ski where you couldn't see the --
10:49AM 8 the driver that was in the picture too. Was that Mr. Miske's
10:49AM 9 jet ski as well?
10:49AM 10 A Yes.
10:49AM 11 Q This area that you were jet skiing, is that in Maunalua
10:49AM 12 Bay?
10:49AM 13 A Yes.
10:49AM 14 Q And is this the meeting place where you would meet
10:49AM 15 regularly for both socially and to meet with Mr. Miske?
10:49AM 16 A Yes.
10:49AM 17 MR. INCIONG: Okay. So we could take that down.
10:49AM 18 Thank you.
10:49AM 19 BY MR. INCIONG:
10:49AM 20 Q Mr. Miller, you indicated that now kind of in the
10:49AM 21 chronology we were going, you were released from the halfway
10:49AM 22 house, you were living in the apartment in Pearl City. This
10:49AM 23 was early 2014, correct?
10:50AM 24 A Yes.
10:50AM 25 Q You were attempting to get your commercial driver's

10:50AM 1 license to work for the Teamsters, correct?

10:50AM 2 A Yes.

10:50AM 3 Q While you were waiting for that process, what were you

10:50AM 4 doing? If you weren't working, how were you spending your

10:50AM 5 time?

10:50AM 6 A During that time I started -- I started selling drugs. I

10:50AM 7 started selling...

10:50AM 8 Q How did that come about?

10:50AM 9 A I was talking with one of my -- me and my friends, my

10:50AM 10 childhood friends that I grew up with, it was Ali'i, Mike B.,

10:50AM 11 they was already doing 'em already, you know. And I was in the

10:50AM 12 process where I never had nothing going on, so I started -- I

10:50AM 13 started selling drugs during that time.

10:50AM 14 Q What drugs are we talking about?

10:50AM 15 A Ice and -- and coke.

10:50AM 16 Q Mike B.'s full name is what?

10:50AM 17 A Buntenbah.

10:50AM 18 Q Ali'i's full name is what?

10:51AM 19 A Kaanoi.

10:51AM 20 Q What is his first name?

10:51AM 21 A Ali'i -- or Justin.

10:51AM 22 Q All right. So what types of amounts were you selling?

10:51AM 23 A I was selling large amounts. I was selling -- I was

10:51AM 24 getting -- I was getting large amounts of ice and -- and coke.

10:51AM 25 Q So are you talking pound quantities?

10:51AM 1 A Yes.

10:51AM 2 Q All right. When you were in prison serving your bank

10:51AM 3 robbery and your gun sentence, did you make contacts for people

10:51AM 4 there that had drug -- drug network contacts?

10:51AM 5 A Yes.

10:51AM 6 Q Did you stay in touch with any of those people?

10:51AM 7 A Yes.

10:51AM 8 Q After you started selling drugs in 2014, did you reach out

10:51AM 9 to any of those people?

10:51AM 10 A Yeah, so -- so 2014 was -- was when I started. I started

10:51AM 11 with them was like had one period in that time, it was like

10:52AM 12 hard to get. So Mike B. at the time was -- I was giving

10:52AM 13 Mike B. like large amounts, and he would get -- he would get

10:52AM 14 rid of 'em like that, you know, that day, and he would tell

10:52AM 15 me -- he would tell me, Man, there's a drought right now of

10:52AM 16 drugs, of coke. And he was, If -- if we could get more, I

10:52AM 17 could sell hundred right now just like that, a hundred kilos,

10:52AM 18 he would say. You know, so --

10:52AM 19 Q So this is cocaine you're referring to specifically?

10:52AM 20 A Cocaine I'm referring to.

10:52AM 21 Q Okay.

10:52AM 22 A We were selling ice too, but -- but more of the cocaine

10:52AM 23 was in demand at that time.

10:52AM 24 Q Okay.

10:52AM 25 A So -- yeah, so me and Mike B., Michael Buntenbah, we're

10:52AM 1 talking and I'm telling him, Hey, I get some -- I got some
10:52AM 2 connections that -- that I can get some contacts up there that
10:52AM 3 I was -- that I can contact and maybe we can try get something
10:52AM 4 going. Because the -- the money amount was like -- for what
10:53AM 5 was going up there and what was going down here was like a lot.
10:53AM 6 Q Okay. Let me just make sure we understand. So you're
10:53AM 7 talking -- when you say "the money up there and the money down
10:53AM 8 here," you're talk about the price for cocaine --
10:53AM 9 A Yes.
10:53AM 10 Q -- up there is where?
10:53AM 11 A Yes, up there in LA, in California, on the mainland.
10:53AM 12 Q And then the price here in Hawaii was much more?
10:53AM 13 A Much more than that, yeah.
10:53AM 14 Q So you could make a big profit --
10:53AM 15 A Yeah.
10:53AM 16 Q -- if you bought it in LA and brought it back to Hawaii?
10:53AM 17 A Yes.
10:53AM 18 Q Okay. So when you say you were trying to set something
10:53AM 19 up, what do you mean -- what do you mean by that? Is this a
10:53AM 20 one-time thing you're trying to do or --
10:53AM 21 A No, I trying to -- I get -- I had the thing going with
10:53AM 22 Mike B., with Ali'i, with -- with Sammy and with Dusky Boy.
10:53AM 23 You know, we was kind of doing our own thing. And all of them
10:53AM 24 wanted to -- Sammy wanted to grab -- Sammy like to grab like
10:53AM 25 over ten keys. Dusky Boy, same thing. Mike B. could sell --

10:54AM 1 as he told me before, if we had hundred keys, he could sell 'em
10:54AM 2 like that, one week.
10:54AM 3 And, yeah, so I started reaching out -- I started
10:54AM 4 reaching out to -- to guys up there in California.
10:54AM 5 Q Okay. Did you make contact with any of those people?
10:54AM 6 A Yes.
10:54AM 7 Q Okay. Before we go forward and have you tell what
10:54AM 8 happened next, I want to show you a few photos first of some of
10:54AM 9 the people that you mentioned that are -- that are involved
10:54AM 10 here.
10:54AM 11 MR. INCIONG: So could we show Mr. Miller Exhibit 1-44
10:54AM 12 at this time, please?
10:54AM 13 THE COURT: Yes.
10:54AM 14 BY MR. INCIONG:
10:54AM 15 Q Do you see that photo, Mr. Miller?
10:54AM 16 A Yes.
10:54AM 17 Q Do you recognize who that is?
10:54AM 18 A Yes.
10:54AM 19 Q Who is that?
10:54AM 20 A Mike Buntenbah.
10:54AM 21 Q Does that show how Mr. Buntenbah appears -- or appeared
10:54AM 22 when you last saw him?
10:54AM 23 A Yes. He had a beard, but --
10:54AM 24 Q Other than that, that looks like him?
10:54AM 25 A Yes.

10:54AM 1 MR. INCIONG: Your Honor, I would move to admit
10:55AM 2 Exhibit 1-44.
10:55AM 3 THE COURT: Any objection?
10:55AM 4 MR. KENNEDY: No objection.
10:55AM 5 THE COURT: Without objection, 1-44 is admitted. You
10:55AM 6 may publish.
10:55AM 7 (Exhibit 1-44 was received in evidence.)
10:55AM 8 MR. INCIONG: Thank you, Your Honor.
10:55AM 9 And, Your Honor, may I utilize the face board as
10:55AM 10 well --
10:55AM 11 THE COURT: Yes.
10:55AM 12 MR. INCIONG: -- for the first time?
10:55AM 13 THE COURT: Yes.
10:55AM 14 MR. INCIONG: Thank you.
10:55AM 15 BY MR. INCIONG:
10:55AM 16 Q So while we are doing that, Mr. Miller, if I could have
10:55AM 17 you look next at Exhibit 1-1079.
10:55AM 18 THE COURT: The face board may be used only with
10:55AM 19 admitted exhibits and only after giving defense counsel an
10:55AM 20 opportunity to object if they wish.
10:55AM 21 MR. INCIONG: Yes, Your Honor.
10:55AM 22 BY MR. INCIONG:
10:55AM 23 Q Do you recognize the exhibit in 1-1079?
10:55AM 24 A Yes.
10:55AM 25 Q Who do you -- or how do you know that person?

10:55AM 1 A That's my friend Ali'i.

10:55AM 2 Q Does that photo accurately show who you know as Ali'i who

10:55AM 3 is Justin Wilcox?

10:55AM 4 A Yes.

10:56AM 5 MR. INCIONG: Your Honor, I would move to admit

10:56AM 6 1-1079.

10:56AM 7 THE COURT: Any objection?

10:56AM 8 MR. KENNEDY: As soon as I flip to it.

10:56AM 9 MR. INCIONG: It's on the first supplemental exhibit

10:56AM 10 list --

10:56AM 11 MR. KENNEDY: I will write it in.

10:56AM 12 MR. INCIONG: -- 1-1079.

10:56AM 13 MR. KENNEDY: No objection, Your Honor.

10:56AM 14 THE COURT: Without objection, 1-1079 is admitted.

10:56AM 15 You may publish.

10:56AM 16 (Exhibit 1-1079 was received in evidence.)

10:56AM 17 MR. INCIONG: And may I place that on the face board

10:56AM 18 as well?

10:56AM 19 THE COURT, yes you may.

10:56AM 20 BY MR. INCIONG:

10:56AM 21 Q Okay. Mr. Miller, let me have you look next at

10:56AM 22 Exhibit 1-1080.

10:56AM 23 THE COURT: Just for the record too, because I'm

10:56AM 24 looking at the Realtime, the admitted exhibit is 1-1079.

10:56AM 25 MR. INCIONG: Yes. Thank you.

10:56AM 1 BY MR. INCIONG:

10:56AM 2 Q Mr. Miller, do you recognize what's shown in

10:56AM 3 Exhibit 1-1080 or recognize the person?

10:56AM 4 A Yes.

10:56AM 5 Q How do you recognize that person?

10:56AM 6 A I know him, it's Sammy. Sammy Kuuana.

10:56AM 7 Q Is this a photo of the Sammy Kuuana that you just

10:57AM 8 referenced in your testimony?

10:57AM 9 A Yes.

10:57AM 10 MR. INCIONG: Your Honor, I would move to admit

10:57AM 11 Exhibit 1-1080.

10:57AM 12 THE COURT: Mr. Kennedy, any objection?

10:57AM 13 MR. KENNEDY: No objection, Your Honor.

10:57AM 14 THE COURT: Without objection, 1-1080 is admitted.

10:57AM 15 You may publish.

10:57AM 16 (Exhibit 1-1080 was received in evidence.)

10:57AM 17 MR. INCIONG: May I public that, Your Honor, and --

10:57AM 18 THE COURT: Yes.

10:57AM 19 MR. INCIONG: -- place that on the face board as well?

10:57AM 20 THE COURT: Yes.

10:57AM 21 BY MR. INCIONG:

10:57AM 22 Q Lastly, Mr. Miller, please look at Exhibit 1-1081.

10:57AM 23 Do you recognize who's shown in that picture?

10:57AM 24 A Yes.

10:57AM 25 Q How do you recognize that person?

10:57AM 1 A I know, that's my friend Dusky Boy.

10:57AM 2 Q And what is Dusky's full name?

10:57AM 3 A Dusky Toledo.

10:57AM 4 Q Does that picture accurately show Mr. Toledo?

10:57AM 5 A Yes.

10:57AM 6 MR. INCIONG: Your Honor, I would move to admit

10:57AM 7 Exhibit 1-1081.

10:58AM 8 THE COURT: Any objection?

10:58AM 9 MR. KENNEDY: No objection, Your Honor.

10:58AM 10 THE COURT: Without objection, 1-1081 is admitted.

10:58AM 11 You may publish.

10:58AM 12 (Exhibit 1-1081 was received in evidence.)

10:58AM 13 MR. INCIONG: May I publish that? Thank you.

10:58AM 14 THE COURT: Yes.

10:58AM 15 BY MR. INCIONG:

10:58AM 16 Q So, Mr. Miller, these are the -- and we'll get all of the

10:58AM 17 pictures up in a second here, but these are the individuals

10:58AM 18 that you were speaking with regarding setting up this cocaine

10:58AM 19 network?

10:58AM 20 A Yes.

10:58AM 21 Q So when you made contact with the -- the individuals that

10:58AM 22 you had originally knew from your prison sentence, what sort of

10:58AM 23 meetings, if any, did you have with them?

10:58AM 24 A Well, at first we started -- we started talking, you know,

10:58AM 25 just -- just small talk, and then towards the -- as it

10:58AM 1 progressed, the guys that I ended up doing 'em with, couple of
10:58AM 2 guys that -- couple guys got sent down, you know. Like they
10:59AM 3 got sent down for talk to me. We would talk about -- we was
10:59AM 4 talking about prices because the prices was -- was going up and
10:59AM 5 down, and we was talking about quantities, you know.
10:59AM 6 So -- they came down here, I was talking to them, and
10:59AM 7 they told me they going report back to -- to their guys in
10:59AM 8 the -- in the mainland and California.
10:59AM 9 Q Okay. So some of these individuals actually came to
10:59AM 10 Hawaii to meet with you in person.
10:59AM 11 A Yes. Two of them.
10:59AM 12 Q Two people, okay. And who -- was there anyone else
10:59AM 13 present besides you and these -- these two people from
10:59AM 14 California --
10:59AM 15 A No.
10:59AM 16 Q -- at the meetings?
10:59AM 17 A No.
10:59AM 18 Q Okay? So what was decided, if anything, at the -- at
10:59AM 19 these meetings?
10:59AM 20 A I was telling them how much -- how much I can do, how
10:59AM 21 much -- how much we wanted to do, and they was telling me
10:59AM 22 that -- that they got told, Hey, we can get 'em to anywhere,
11:00AM 23 just not Hawaii. You know, like they could get 'em to anywhere
11:00AM 24 in the mainland, any -- any states up there, just not Hawaii.
11:00AM 25 So at that point I went back to Mike B., and I told

11:00AM 1 Mike B. -- we was talking about 'em, and Mike B. told me that,
11:00AM 2 Hey, I can get 'em -- I get one way that I can get 'em back.
11:00AM 3 We just got to shoot 'em up to California. You know, they went
11:00AM 4 back already. Me and Mike B. was talking, Mike B. tells me,
11:00AM 5 Hey, get one way I can get 'em back, we can shoot 'em up to
11:00AM 6 California.

11:00AM 7 Q Okay.

11:00AM 8 A So -- go ahead.

11:00AM 9 Q All right. So that was the -- the transportation part was
11:00AM 10 one issue?

11:00AM 11 A Yes.

11:00AM 12 Q So did you discuss with Mike B. exactly how you were going
11:00AM 13 to get it back from California?

11:00AM 14 A Yes. Yes.

11:00AM 15 Q So tell us about that.

11:00AM 16 A So he told me all we got to do is get 'em up to -- get 'em
11:00AM 17 up to San Francisco, and he had -- he had a TSA agent up there
11:01AM 18 or he knew somebody who had a TSA agent -- I don't know the
11:01AM 19 details, that was his part of 'em -- that could actually get
11:01AM 20 'em back for us.

11:01AM 21 Q Okay. So where was the -- the meeting going to take place
11:01AM 22 to actually obtain the drugs? What city?

11:01AM 23 A In LA.

11:01AM 24 Q All right. How were you going to get the drugs from LA to
11:01AM 25 San Francisco?

11:01AM 1 A I was -- we was going to drive 'em up there. They was
11:01AM 2 going to take care of that part.
11:01AM 3 Q Who is "they"?
11:01AM 4 A The Mexicans, they had that part all down like they had
11:01AM 5 compartments inside cars. They had -- they had houses where
11:01AM 6 they could keep these cars to put the drugs inside.
11:01AM 7 Q So where did things stand then when -- after you met with
11:01AM 8 the individuals from California when they went back, what was
11:01AM 9 the agreement at that point?
11:01AM 10 A Well, it wasn't really set yet because -- because the
11:01AM 11 transportation issue, you know.
11:01AM 12 Q Okay.
11:01AM 13 A So I started telling them like, Hey, we was just going to
11:01AM 14 come up there already. I just wanted to -- at that point
11:02AM 15 Mike B. was -- like he was, Hey, we got a do this now, Bro,
11:02AM 16 and -- because the price is expensive at that time for coke.
11:02AM 17 So I was relaying back to them, I was telling them,
11:02AM 18 Hey, we going come up there, you know. We going to come up
11:02AM 19 there, we just going get to we can going to break the ice, and
11:02AM 20 we going come up there this time and we get the -- we get one
11:02AM 21 way for bring 'em back already.
11:02AM 22 Q Was there a quantity of cocaine that you told them you
11:02AM 23 wanted to purchase on this first -- first time?
11:02AM 24 A The quantity wasn't really set yet, but was -- was at
11:02AM 25 least 10 -- at least 10 -- was going to be at least 10 kilos.

11:02AM 1 Q How much were 10 kilos going to cost you?

11:02AM 2 A I forget -- I forget the price now. I forget the -- the

11:02AM 3 price. Well, the actual agreement that was -- that was made.

11:02AM 4 A couple hundred -- it was in the hundreds of thousands,

11:02AM 5 though.

11:02AM 6 Q So who was going to be the source of the money to buy the

11:03AM 7 drugs?

11:03AM 8 A Okay. So -- so going back now, I'm setting this all up

11:03AM 9 with -- with Sammy, with Dusky Boy, with Mike B. So in the

11:03AM 10 midst of it, I'm -- I'm still down here selling drugs with all

11:03AM 11 of these guys. And I'm -- the initial money was supposed to

11:03AM 12 come from them. You know, Sammy wanted to be a part of it,

11:03AM 13 Mike B. had some money, Dusky Boy had some money.

11:03AM 14 While I'm selling drugs, I stopped at Miske's -- the

11:03AM 15 shop, and I told him, I say, Hey, Bro, I never have some money

11:03AM 16 on me. And at that time was either -- I think it was Ali'i, I

11:03AM 17 had to give Ali'i some money. I told Mike, Hey, just let me

11:04AM 18 borrow some money, I need like ten grand or something. I'm not

11:04AM 19 sure of the amount.

11:04AM 20 And I grab 'em from him, took 'em to Ali'i, and like

11:04AM 21 the next day I came back and gave him his money back. And at

11:04AM 22 that point he asked me, What the -- what you doing? And I look

11:04AM 23 at him, because I never know he was -- he was interested. So I

11:04AM 24 told him the plan, I told him, Hey, this is what was -- this is

11:04AM 25 what was going on. This is who I doing 'em with.

11:04AM 1 And then he was like -- he look at me, he was like,
11:04AM 2 Why you doing it with 30? You know, he called -- Sammy, he
11:04AM 3 called him 30. Everybody we call him 30, but from back in when
11:04AM 4 we was younger.

11:04AM 5 Q This is Sam Kuuana?

11:04AM 6 A Yes. This is Sam Kuuana. So -- so Miske is telling me
11:04AM 7 that at that point. And then I look at him, and I ask him, I
11:05AM 8 say, Why? What -- you like do 'em? He said, Yeah. Fucking,
11:05AM 9 we go do 'em.

11:05AM 10 I was telling him about the numbers and stuff like
11:05AM 11 that. 'eh, we can get it at this price. I think it was almost
11:05AM 12 like -- I was just giving you a number, if we buying 'em for 30
11:05AM 13 grand in LA, the price in Hawaii was in the 60s and 70s, you
11:05AM 14 know, and you had to have the cash for 'em right away. It
11:05AM 15 wasn't handed to you and bring it back a week later. And
11:05AM 16 that's what Mike B. was for.

11:05AM 17 So after breaking down the numbers to him, he
11:05AM 18 wanted -- he wanted to do 'em. You know, he said, Man, this
11:05AM 19 fucking -- this fucking Lumahai is just sucking up all my cash,
11:05AM 20 you know. And I said -- I said, Hey, whatever, but I need --
11:05AM 21 this thing was already rolling when Miske got involved. You
11:05AM 22 know, I was already planning for do 'em with these other
11:05AM 23 people. So when he got involved, I told him, I said, Hey, I
11:06AM 24 gotta go already. They -- they're already waiting for us up
11:06AM 25 there. Me and Mike B. was planning on going and everything

11:06AM 1 like that. So --

11:06AM 2 Q Let me interrupt you right there. I apologize. Let me
11:06AM 3 just ask a few follow-up questions before we get too far along.

11:06AM 4 So you said that you had asked Mr. Miske to borrow
11:06AM 5 some money initially.

11:06AM 6 A Yes.

11:06AM 7 Q And do you recall where you went and got the money from
11:06AM 8 him?

11:06AM 9 A Oh, from his office. We was in his office, yeah.

11:06AM 10 Q From that same drawer that you referenced earlier?

11:06AM 11 A Yes.

11:06AM 12 Q And then you were able to pay him back, like was it the
11:06AM 13 next day, you said?

11:06AM 14 A I brought it back -- the next time I seen him, already I
11:06AM 15 just -- I had the money. I just never have 'em in my pocket
11:06AM 16 that day, and -- and I had to give 'em -- I had to give 'em to
11:06AM 17 Ali'i.

11:06AM 18 Q So is that what caught his attention, the fact that you
11:06AM 19 repaid him so quickly?

11:06AM 20 A Yes.

11:06AM 21 Q And what's what -- how this whole conversation started?

11:06AM 22 A Yeah, that's how the -- how the -- because I had just -- I
11:06AM 23 had just gotten out of prison, you know, so -- so he was -- and
11:06AM 24 I was -- we was together every day, but I wasn't -- I wasn't
11:07AM 25 talking to him about 'em at that point. That was the initial

11:07AM 1 conversation that we had when -- when I gave him back that
11:07AM 2 money, he was like, Hey, what you -- what you up to, boy?
11:07AM 3 And that's when I broke down what I was doing, what I
11:07AM 4 was planning to do, and that's when -- what's when he told me
11:07AM 5 tell, Why the fuck you doing it with -- with 30? And then
11:07AM 6 that's when -- that initial point right there is when he wanted
11:07AM 7 to be involved, you know. And he told me he wanted to -- he
11:07AM 8 wanted to do more, but just for break the ice, he wanted to do
11:07AM 9 'em over and over. You know what I mean, like he wanted to
11:07AM 10 leave his money in there and just give him his cut from what I
11:07AM 11 was -- from what I was making every -- every time that we did
11:07AM 12 'em.

11:07AM 13 Q So were you looking to do it as a long-term thing as well?

11:07AM 14 A Yes.

11:07AM 15 Q Okay. Did Mr. Miske indicate that at least part of the
11:07AM 16 reason for this was the -- the money he needed to build the
11:07AM 17 house?

11:07AM 18 A Yeah, the -- the only thing he told me about that, he told
11:08AM 19 me -- he used to tell me this all the time, but he told me that
11:08AM 20 the Lumahai was just -- was just sucking up all his -- all his
11:08AM 21 cash. The cement, the -- he was telling me like that.

11:08AM 22 Q Okay. So once Mr. Miske showed that he was interested and
11:08AM 23 wanted to be a partner in this, I guess, did that affect
11:08AM 24 anybody else that you had talked to originally?

11:08AM 25 A Yeah, well, I never -- because this thing was moving, I

11:08AM 1 was just telling them be ready, but when -- when he wanted
11:08AM 2 to -- to come, I like -- I even -- I never reach out to them
11:08AM 3 after that. I just -- he had the money.
11:08AM 4 I think that night after I wen' talk to him,
11:08AM 5 immediately I told him I said, Hey, I need the -- I need the
11:08AM 6 scripts right now because this thing -- it's already rolling,
11:08AM 7 so I need the scripts right now. And he was like, Hey, meet me
11:08AM 8 over here in Kailua on this -- on this street, wherever it was
11:08AM 9 in Keolu, at this time 7:00 at night.
11:09AM 10 Q Okay. Let me stop -- let me stop you right there for a
11:09AM 11 second. So when you say "scripts," what do you mean by
11:09AM 12 "scripts"?
11:09AM 13 A Money. That's what we used to call money.
11:09AM 14 Q All right. So you said you didn't even -- you didn't tell
11:09AM 15 the other -- I think you said "them." Who did you mean you
11:09AM 16 didn't tell once Mr. Miske was going to give you money?
11:09AM 17 A I never went back to Sammy and them, you know.
11:09AM 18 Q Was Michael Buntenbah still involved?
11:09AM 19 A Yes.
11:09AM 20 Q Was Dusky Toledo still involved?
11:09AM 21 A No, I never go back to them -- when I talking about I
11:09AM 22 never go back to -- Mike B. wasn't the one of the guys that was
11:09AM 23 going to give me the money.
11:09AM 24 Q Okay.
11:09AM 25 A It was Sammy and Dusky Boy that was going to do this.

11:09AM 1 Q Okay. So those are the two you were referring to saying
11:09AM 2 you didn't go back to them.
11:09AM 3 A Yes.
11:09AM 4 Q Because Mr. Miske was effectively taking their place as
11:09AM 5 far as providing the money?
11:09AM 6 A Yes.
11:09AM 7 Q Did you have any of your own money that you were putting
11:09AM 8 into this?
11:09AM 9 A Yes.
11:09AM 10 Q So I think you were about to tell us about how you got the
11:09AM 11 money from Mr. Miske. So you described he asked you to meet in
11:10AM 12 Kailua?
11:10AM 13 A Yeah, so -- so I was leaving already at this point. They
11:10AM 14 was waiting for us. Mike B. had his connection in San
11:10AM 15 Francisco who was also waiting for us. And even -- so when
11:10AM 16 Mike B., when we was talking, even his connect in San Francisco
11:10AM 17 was telling Mike like -- like, hey, they couldn't even get coke
11:10AM 18 up there in San Francisco, you know, so he was kind of
11:10AM 19 surprised that when Mike B. was telling them we coming up there
11:10AM 20 and we're going to use your whatever it was.
11:10AM 21 But, yeah, anyways, back to that -- after the
11:10AM 22 conversation with Miske, I'm telling him, hey, I'm leaving in
11:10AM 23 the next few days. And if you like go, we need to go get the
11:10AM 24 scripts. So he told me meet me in Kailua that night at this
11:10AM 25 time. He was also precise when we meeting. But anyways, later

11:10AM 1 on that night I go to where he told me for go, and I see him
11:11AM 2 pull up in a white Lexus. So he pull up by me in a white Lexus
11:11AM 3 in Keolu Hills in that -- so Keolu Hills is a little bluff area
11:11AM 4 in Kailua in the town, a lot of windy roads and stuff like
11:11AM 5 that, residential area.

11:11AM 6 So he pulled up next to me. We following each other,
11:11AM 7 he's driving through these windy hills, pull over on the side
11:11AM 8 of the road, and I start talking to him and I tell him if I
11:11AM 9 don't leave -- if I don't tonight or tomorrow, I'll be gone
11:11AM 10 already, you know. So he pops the -- he goes to his car, he
11:11AM 11 grabs out the money, like one bag, one box of money. He grabs
11:11AM 12 out the money, gives it to me, and -- and from there I leave.

11:11AM 13 That night when I get back I open the bag -- I opened
11:12AM 14 the money that he gave me, and I'm looking at it and it's --
11:12AM 15 it's a lot of like wad -- like some small bills. And when I
11:12AM 16 say small bills, like 20s and 50s, and just wadded up like -- I
11:12AM 17 don't know if you know how \$20 in thousand dollars is like a
11:12AM 18 wad like that big (indicating). You know, so he had -- it was
11:12AM 19 like a bunch of those, and I remember looking at 'em and I was
11:12AM 20 like, Fuck, how am I going to get this -- look like kind of
11:12AM 21 couple million dollars right here in smaller bills.

11:12AM 22 So I started grabbing 'em, I start smelling 'em. It
11:12AM 23 was like old and -- and sticky, like the money was real sticky.
11:12AM 24 I rubber band it up, it was kind of sticky. And I immediately
11:12AM 25 contact him, go back to meet him and tell him like, Hey, what's

11:13AM 1 up with all these -- all these smaller bills? And he was
11:13AM 2 like -- he told me, he said, Hey, you told me you was -- you
11:13AM 3 told me you was leaving soon.

11:13AM 4 So this was at the Dent house. The dent -- he had one
11:13AM 5 of his girlfriends he used to call her the Dent, she used to
11:13AM 6 work at a dentist office. And at that time he told me, This is
11:13AM 7 all I had, this was at the Dent's house. You know, you told me
11:13AM 8 you was leaving soon. You never told me -- so he was like, Do
11:13AM 9 what you gotta do, like change 'em out or something, but that's
11:13AM 10 all I can -- that's all I have access to right now at the time.

11:13AM 11 Q Okay. Let me interrupt you right there and ask you a
11:13AM 12 couple of questions. So what was the plan on how you were
11:13AM 13 going to get this money to Los Angeles to purchase the cocaine?

11:13AM 14 A We was taking 'em up there ourselves, me and Mike B.
11:13AM 15 Q How?

11:13AM 16 A We was taking it on the plane, putting it on suitcases --
11:13AM 17 I was getting to that, we was putting it in suitcases and --
11:13AM 18 and taking 'em up.

11:13AM 19 Q Okay. In the check baggage or carry-on?
11:13AM 20 A No, carry-on.

11:13AM 21 Q So why was it important whether the bills were small or
11:14AM 22 large?

11:14AM 23 A We was carry one carry-on, and we was stuffing the bills.
11:14AM 24 We wasn't -- like had clothes right here in the suitcase, and
11:14AM 25 then the bills was going stacked up all the way around like

11:14AM 1 that in the suitcase. So if you was to stack up a bunch of
11:14AM 2 \$20, \$1,000 stacks that look like that, would be hard to do.
11:14AM 3 Q So 20s would take up more space than larger bills like
11:14AM 4 100s?
11:14AM 5 A Yes.
11:14AM 6 Q Is that why it was important?
11:14AM 7 A Yes.
11:14AM 8 Q Now, let me have you look -- you described an area where
11:14AM 9 this meeting met -- where you met with Mr. Miske. Let me have
11:14AM 10 you look at Exhibit 4-107.
11:14AM 11 MR. INCIONG: Please, if you could slow that to
11:14AM 12 Mr. Miller.
11:14AM 13 BY MR. INCIONG:
11:14AM 14 Q Do you recognize what's shown in that map, Mr. Miller?
11:14AM 15 A Yes.
11:14AM 16 Q Does this show the Keolu Hills area of Kailua that you
11:14AM 17 just described?
11:14AM 18 A Yes.
11:14AM 19 Q And that's where you met with Mr. Miske on this occasion
11:15AM 20 in the summer of 2014?
11:15AM 21 A Yes.
11:15AM 22 MR. INCIONG: Your Honor, I would move to admit
11:15AM 23 Exhibit 4-107.
11:15AM 24 THE COURT: Mr. Kennedy, any objection?
11:15AM 25 MR. KENNEDY: No objection.

11:15AM 1 THE COURT: Without objection, Exhibit 4-107 is
11:15AM 2 admitted. You may publish.
11:15AM 3 (Exhibit 4-107 was received in evidence.)
11:15AM 4 MR. INCIONG: Thank you, Your Honor.
11:15AM 5 BY MR. INCIONG:
11:15AM 6 Q Now, Mr. Miller, you were describing this meeting and
11:15AM 7 driving winding roads and so forth. Is this that area?
11:15AM 8 A Yes.
11:15AM 9 Q Is this the area that Mr. Miske lived as well?
11:15AM 10 A Yes.
11:15AM 11 Q The red dot that's shown there, is that approximately
11:15AM 12 where Mr. Miske's residence was?
11:15AM 13 A Oh, right here. Yeah.
11:15AM 14 Q Okay.
11:15AM 15 A Corner lot.
11:15AM 16 Q All right.
11:15AM 17 A Corner lot.
11:15AM 18 MR. INCIONG: If I could have Exhibit 4-110 shown next
11:15AM 19 to Mr. Miller.
11:15AM 20 BY MR. INCIONG:
11:15AM 21 Q Do you recognize what's shown in that picture?
11:15AM 22 A Yes.
11:15AM 23 Q How do you recognize that?
11:15AM 24 A It's the street where he lived.
11:16AM 25 Q And when you say "he," that's Mr. Miske?

11:16AM 1 A Mr. Miske, yeah.

11:16AM 2 Q Does that accurately show the -- the street that he lives

11:16AM 3 on?

11:16AM 4 A Yes.

11:16AM 5 Q Or lived on?

11:16AM 6 A It's the front view of his house, looking out the house.

11:16AM 7 MR. INCIONG: Your Honor, I would move to admit

11:16AM 8 Exhibit 4-110.

11:16AM 9 THE COURT: Mr. Kennedy?

11:16AM 10 MR. KENNEDY: No objection.

11:16AM 11 THE COURT: Without objection, 4-110 is admitted. You

11:16AM 12 may publish.

11:16AM 13 (Exhibit 4-110 was received in evidence.)

11:16AM 14 MR. INCIONG: Thank you.

11:16AM 15 BY MR. INCIONG:

11:16AM 16 Q So this is, as you said, Mr. Miller, looking down the

11:16AM 17 street from Mr. Miske's house?

11:16AM 18 A Yes.

11:16AM 19 Q I'm going to show you 4-108 next, please.

11:16AM 20 Do you recognize what's shown there?

11:16AM 21 A Yes.

11:16AM 22 Q How do you recognize that?

11:16AM 23 A This is his house. This is looking at his little -- he

11:16AM 24 loved this house right here.

11:16AM 25 Q Does that photo accurately show Mr. Miske's residence at

11:16AM 1 that time?

11:16AM 2 A Yes.

11:16AM 3 MR. INCIONG: Your Honor, I would move to admit

11:16AM 4 Exhibit 4-108.

11:16AM 5 THE COURT: Any objection?

11:16AM 6 MR. KENNEDY: No objection, Your Honor.

11:16AM 7 THE COURT: Without objection, 4-10 -- 108 -- excuse

11:16AM 8 me, 4-108 is admitted.

11:16AM 9 (Exhibit 4-108 was received in evidence.)

11:16AM 10 MR. INCIONG: Thank you, Your Honor.

11:16AM 11 THE COURT: You may publish.

11:17AM 12 MR. INCIONG: May I publish? Thank you.

11:17AM 13 BY MR. INCIONG:

11:17AM 14 Q So this is the front view of Mr. Miske's residence at that

11:17AM 15 time?

11:17AM 16 A Yes.

11:17AM 17 Q Now, you referred to one of Mr. Miske's -- Mr. Miske's

11:17AM 18 girlfriend at the time as Dent or the Dent?

11:17AM 19 A Yes.

11:17AM 20 Q Did you know this person's actual name?

11:17AM 21 A Tori Clegg.

11:17AM 22 Q I'm going to show you Exhibit 1-0066, please. Or 1-66.

11:17AM 23 Do you recognize the picture -- or the person in that

11:17AM 24 picture?

11:17AM 25 A Yes.

11:17AM 1 Q How do you recognize that?

11:17AM 2 A I know her, that's Tori.

11:17AM 3 Q Does this photo accurately show Ms. Clegg as you knew her

11:17AM 4 about that time?

11:17AM 5 A Yes.

11:17AM 6 MR. INCIONG: Your Honor, I would move to admit

11:17AM 7 Exhibit 1-66 at this time.

11:17AM 8 THE COURT: Any objection?

11:17AM 9 MR. KENNEDY: No objection, Your Honor.

11:17AM 10 THE COURT: Without objection, Exhibit 1-66 is

11:18AM 11 admitted. You may publish.

11:18AM 12 (Exhibit 1-66 was received in evidence.)

11:18AM 13 MR. INCIONG: Thank you, Your Honor.

11:18AM 14 BY MR. INCIONG:

11:18AM 15 Q So you indicated a few minutes ago that Mr. Miske said he

11:18AM 16 got the money from the Dent's house.

11:18AM 17 A Yes.

11:18AM 18 Q Correct?

11:18AM 19 Did you know where that house was in relation to

11:18AM 20 Mr. Miske's house?

11:18AM 21 A Right down the road. I don't know exactly where, but --

11:18AM 22 Q Same area?

11:18AM 23 A Yeah, same area. I think that's her grandma's house.

11:18AM 24 Q Okay. And that's where Mr. Miske indicated he had gotten

11:18AM 25 the -- the money that he gave to you that you described in the

11:18AM 1 small bills and sticky?

11:18AM 2 A Yeah. Well, it wasn't all small bills, but had one large

11:18AM 3 amount of small bills.

11:18AM 4 Q Okay.

11:18AM 5 A But had some 100s in there.

11:18AM 6 Q Okay. And I think you stated the type of car that

11:18AM 7 Mr. Miske had arrived in when he gave you the money in that

11:18AM 8 area.

11:18AM 9 A Yes. Yes.

11:18AM 10 Q What kind of car was that?

11:18AM 11 A A white Lexus.

11:18AM 12 Q Had you seen that car before?

11:18AM 13 A Yes.

11:18AM 14 Q Did you know whose car that was?

11:18AM 15 A That was Tori's car.

11:18AM 16 Q Tori Clegg?

11:19AM 17 A Or one that looked like Tori's car, but --

11:19AM 18 Q Okay. So what did you do, if anything, regarding the --

11:19AM 19 the money situation that was wet and -- or sticky, I should

11:19AM 20 say?

11:19AM 21 A Yeah, so when I told him that, he was like, Yeah,

11:19AM 22 that's -- I got that from the Dent's house. That's how -- you

11:19AM 23 rush 'em, you told me you need 'em, you got 'em.

11:19AM 24 So I went back -- at that time I was still -- I was

11:19AM 25 still talking to Sammy at that point, and Sammy already had his

11:19AM 1 money like kind of -- kind of ready to go. I wasn't telling
11:19AM 2 him that I was doing 'em, but I took whatever 20s and stuff,
11:19AM 3 small bills that I had, and I told him, I said, I gotta do
11:19AM 4 something. Just change this out for me. So he changed out
11:19AM 5 some bills. He gave me some -- he gave me larger. He gave me
11:19AM 6 \$100 bills for the -- for the smaller bills that I had.

11:19AM 7 Q No questions asked?

11:19AM 8 A No questions asked. I was -- I had a good name at that
11:20AM 9 time, you know. I got one good name. I was -- I wasn't known
11:20AM 10 for doing that to people that I know.

11:20AM 11 Q Okay. Mr. Miller, we've got several pictures on the face
11:20AM 12 board here, but I want to show you one that's probably familiar
11:20AM 13 to you that's already been in evidence.

11:20AM 14 MR. INCIONG: If we could show Mr. Miller
11:20AM 15 Exhibit 1-43.

11:20AM 16 This is in -- this has been admitted, I believe, Your
11:20AM 17 Honor.

11:20AM 18 THE COURT: It has been.

11:20AM 19 MR. INCIONG: May I publish that to the jury?

11:20AM 20 THE COURT: Yes.

11:20AM 21 BY MR. INCIONG:

11:20AM 22 Q Who -- who is this?

11:20AM 23 A That's me.

11:20AM 24 Q Does this photo show how you appeared around this time,
11:20AM 25 2014?

11:20AM 1 A 2014, I mean I was a little more slim in 2014.

11:20AM 2 Q Okay. But other than that, that's a photo of you?

11:20AM 3 A Yes.

11:20AM 4 Q Okay. So you switched the money out for the larger bills

11:20AM 5 from Mr. Kuuana.

11:20AM 6 A Yes.

11:20AM 7 Q Correct?

11:20AM 8 Does Mr. Kuuana know that you're taking that money to

11:20AM 9 LA to purchase the cocaine?

11:20AM 10 A No. I never -- I never tell him nothing. I just was kind

11:21AM 11 of in a rush, and I was -- I was telling him and --

11:21AM 12 Q Did you leave for LA the next day?

11:21AM 13 A Yes. We -- I left fast to LA. We -- so after that all

11:21AM 14 happened, Mike B. -- Mike B., he was getting in touch with me,

11:21AM 15 like he was trying to tell me like -- he was like, We should

11:21AM 16 ship the -- we should ship up the money. You know, I shipped

11:21AM 17 it before.

11:21AM 18 I said, I was like, Dude, this is not -- this is not

11:21AM 19 my shit, and this is the first time we're going to do 'em with

11:21AM 20 these -- with these guys. So I gotta go, he's -- and then he

11:21AM 21 was like, All right, let's go. Fuck it.

11:21AM 22 So we went to his -- we went to his house soon after I

11:21AM 23 got the money -- after I changed out the bills, Mike B. was

11:21AM 24 waiting for me already. Our tickets was booked, we was ready

11:21AM 25 to go. I went down to Mike B.'s house, and -- and me and him

11:22AM 1 started stuffing the money inside our carry-on suitcases. So
11:22AM 2 we started -- we started putting 'em in bundles like that and
11:22AM 3 then packing 'em up against the sides of the suitcase like
11:22AM 4 that.

11:22AM 5 Q How much money are we talking about?

11:22AM 6 A Oh, hundreds of thousands, you know. Maybe three, maybe
11:22AM 7 more, but it was -- I cannot remember the amount, but it was a
11:22AM 8 lot. It was a lot money. I mean, enough to fit -- enough to
11:22AM 9 fit all in the walls like that, double-stacked up like that in
11:22AM 10 two carry-on size rolling suitcases.

11:22AM 11 Q This is \$100 bills?

11:22AM 12 A Yes, \$100 bills.

11:22AM 13 Q Why did Mike B. -- Michael Buntenbah want to ship the
11:22AM 14 money?

11:22AM 15 A He never like carry 'em on. You know, at first he was
11:22AM 16 like, Fuck, we're going carry all this money. And then we was
11:22AM 17 talking back and forth, you know. And then he was like, We
11:22AM 18 should -- we should have shipped it. And I was like, No, we
11:23AM 19 gotta -- we gotta go up there, Bro. We gotta -- I gotta meet
11:23AM 20 'em, take them the money. They gotta -- everything will be
11:23AM 21 good like that. So he just agreed with me.

11:23AM 22 Q So you were not concerned about having this money
11:23AM 23 intercepted going through security at the airport?

11:23AM 24 A Well, we was talking, right. And between me and Mike B.,
11:23AM 25 we was talking and we was like, Hey, these guys is more worried

11:23AM 1 about toothpaste and shampoo, you know, than money. That's
11:23AM 2 what we was -- that's what we was saying.
11:23AM 3 Q And you were confident that you weren't going to get
11:23AM 4 caught with it?
11:23AM 5 A Yeah, like I -- like if I can recall, I remember like them
11:23AM 6 stopping people that had like, You gotta take this water out.
11:23AM 7 You know what I mean. Like it wasn't -- we never had no --
11:23AM 8 nothing that would make them stop us, no -- no toothpaste, no
11:23AM 9 nothing in the bag, so the thing was going straight through the
11:23AM 10 belt.
11:23AM 11 Q And so you went through, no problem.
11:23AM 12 A Straight through, no problems.
11:23AM 13 Q All right. Do you recall if anybody assisted you making
11:24AM 14 your travel arrangements, your flights or hotel or anything
11:24AM 15 like that?
11:24AM 16 A What you mean?
11:24AM 17 Q Did you book your flights yourself or did somebody else do
11:24AM 18 that for you?
11:24AM 19 A I can't remember. I don't remember who did 'em.
11:24AM 20 Q So you and Mike traveled -- Mike B. traveled on the same
11:24AM 21 flight?
11:24AM 22 A Yeah. We was traveled on the same flight, we were
11:24AM 23 sitting -- we were sitting next to each other.
11:24AM 24 Q So what happens when you get to LA?
11:24AM 25 A So we get to LA, I think it's overnight flight, whatever.

11:24AM 1 But we land -- when we land it was in the morning, so a lot of
11:24AM 2 traffic in LA. The traffic was real backed up. So the guys
11:24AM 3 that I was in contact with was like, Hey, let's -- let's just
11:24AM 4 wait till the traffic goes down, you know.

11:24AM 5 So me and Mike B. went to a -- went to a hotel right
11:24AM 6 there. Outside of LAX they get like whole row of hotels by the
11:24AM 7 airport. So we call one -- we went to the hotel, checked in,
11:25AM 8 got some rest, waited -- waited for them to contact me.

11:25AM 9 Q Did you get a call that they were ready to meet you?

11:25AM 10 A Yeah, after -- after the traffic went down, headed to
11:25AM 11 sundown, I got the -- I got word from them that -- that it was
11:25AM 12 ready, they were sending somebody to pick me up.

11:25AM 13 Q So someone came and picked you up?

11:25AM 14 A Yeah, someone came and picked me up.

11:25AM 15 Q Did you just go or did Michael Buntenbah go with you?

11:25AM 16 A No, Mike B. stayed at -- he stayed at the hotel. I went
11:25AM 17 by myself.

11:25AM 18 Q Why did you go by yourself?

11:25AM 19 A Because I was the one contacting them. You know, Mike B.
11:25AM 20 was -- he wasn't involved in the -- Mike B.'s part wasn't to
11:25AM 21 get everything from them, set everything up. I never told them
11:25AM 22 I was bringing anybody with me, so --

11:25AM 23 Q Okay.

11:25AM 24 A -- I never like to freak out if I just show up with one
11:25AM 25 white guy.

11:25AM 1 Q Okay. So did you know the person who came to pick you up
11:25AM 2 at the -- at the hotel?
11:25AM 3 A Well, the person that came to pick me up was one of the
11:26AM 4 same persons that -- that flew down and talk to me about --
11:26AM 5 Q Okay. So you knew him from that prior trip?
11:26AM 6 A Yeah. Yeah, that's the only time I --
11:26AM 7 Q So do you know that this person took you?
11:26AM 8 A Huh?
11:26AM 9 Q Do you know where this person took you?
11:26AM 10 A Yeah, they took me to one house in -- they just took me to
11:26AM 11 a house. It was a nice -- it was a nice neighborhood, but
11:26AM 12 having a gate in front of the house. We drove -- I not
11:26AM 13 familiar with the area, but we drove to a neighborhood maybe
11:26AM 14 half an hour away or something like that. But we drove into a
11:26AM 15 neighborhood. The front of the house had one fence, we pulled
11:26AM 16 up on the side, and -- and got out. I went inside -- I don't
11:26AM 17 know if he stayed out or what, but I went inside and met the --
11:26AM 18 the main guy that I was meeting and discussing how we going to
11:26AM 19 do everything after this. You know, I went into the house --
11:26AM 20 Q Let me interrupt you just for one second. So when you
11:27AM 21 say, We discussed how we were going to do everything after
11:27AM 22 this, what do you mean by that? What's "after this"?
11:27AM 23 A Yeah, well, the plan was to -- to -- we were just breaking
11:27AM 24 ice on that one. You know, that's why we was only there for
11:27AM 25 that or whatever they was going to get at that point. And we

11:27AM 1 wanted to -- I wanted to keep going, and that's -- that's what
11:27AM 2 I was telling him.

11:27AM 3 Q So was this kind of like a test run or a trial run?
11:27AM 4 A Yeah, this was the first time, yeah. So we was talking
11:27AM 5 about -- he was telling me, he was like, Hey, don't worry about
11:27AM 6 the -- don't worry about the transportation after this. By the
11:27AM 7 next time we're going to have -- we're going to have everything
11:27AM 8 set up to -- to get down to Hawaii and everything like that,
11:27AM 9 you know.

11:27AM 10 Q So you wouldn't have to worry about getting the drugs back
11:27AM 11 like you --

11:27AM 12 A Yeah, going up to -- going up to San Francisco, and he was
11:27AM 13 telling me no worry about the -- getting 'em to San Francisco
11:27AM 14 also because we get cars, we get guys that just -- they follow
11:28AM 15 each other. If one getting pulled over, they still get couple
11:28AM 16 cars going up to different places.

11:28AM 17 Q So was there anyone else at this house besides you two,
11:28AM 18 you and the person that --

11:28AM 19 A Oh, no, had more. Had some people that was just -- that
11:28AM 20 was just there. Like you could tell they was like Mexican gang
11:28AM 21 bangers, you know, tattoos, LA hats and stuff like that. Yeah.

11:28AM 22 Q Was anyone armed that you could see?

11:28AM 23 A I seen one gun when was there, you know. I seen one gun
11:28AM 24 when I was in the house, yeah, but I never -- I never feel -- I
11:28AM 25 wasn't -- I was kind of tripping out. You know, I was like,

11:28AM 1 Hey, I'm here, they could just -- they could just shoot me.
11:28AM 2 But once I went talk to the guy and I realize like, Hey, these
11:28AM 3 guys, they're more interested in making continuous money than
11:28AM 4 just doing a one-time shot, you know, like they seen how
11:28AM 5 serious keep going and everything being ready and stuff like
11:28AM 6 that. So --
11:29AM 7 Q So did you have the money with you at that point?
11:29AM 8 A Yes.
11:29AM 9 Q So 300,000 or so?
11:29AM 10 A Yeah.
11:29AM 11 Q And you're there by yourself?
11:29AM 12 A Yes.
11:29AM 13 Q Okay. Did they count or check the money?
11:29AM 14 A Yeah, so -- so I pull up, I go into the house, shake the
11:29AM 15 guy's hand. We talking, they got on the table -- they got
11:29AM 16 tables and they got money counters set up on the table. They
11:29AM 17 putting the money -- the money is flipping through, brrrrrr,
11:29AM 18 through the machine like that, and they got -- they got stuff
11:29AM 19 to check if any of them was counterfeit. You know, they had
11:29AM 20 like -- I forgot what they had, but -- I remember them checking
11:29AM 21 if any of the bills was counterfeit and coming out of the --
11:29AM 22 the money counting machine.
11:29AM 23 Q Okay. So were they satisfied that the money was all there
11:29AM 24 and legit?
11:29AM 25 A Yeah. Everything was there, everything was good.

11:29AM 1 Q What about the drugs?

11:29AM 2 A Yeah. So, okay, so we're talking. We're not counting.

11:30AM 3 The other guys is over there only table. You know, me and the

11:30AM 4 guy that -- the guy is talking the whole time. Get other guys,

11:30AM 5 all they was doing was counting the money, you know.

11:30AM 6 So after they counted the money, all the money was

11:30AM 7 good, then the guy that was doing 'em, he took the money, came

11:30AM 8 right back with the -- with the drugs, with the coke. And so

11:30AM 9 he brought 'em in, we still talking he opened up the coke like

11:30AM 10 that, and then the guy that brought 'em in was talking to the

11:30AM 11 guy that I'm talking to. And they talking in Spanish,

11:30AM 12 whatever, but he wanted him to check and make sure, Hey, this

11:30AM 13 thing is stamped, you know. And he was the last guy for touch

11:30AM 14 'em, so -- so the other guy had to make me verify that -- that

11:30AM 15 everything was good.

11:30AM 16 So we tested 'em, he scoop 'em out, test 'em, cook 'em

11:31AM 17 like into one ball. Everything was good. We checked every

11:31AM 18 stamp that was on the -- that was on the bricks and -- and,

11:31AM 19 yeah. So after I said everything was good, he started

11:31AM 20 packaging everything up. His guy started packaging everything

11:31AM 21 up.

11:31AM 22 Q Okay. So how did you understand that the drugs were going

11:31AM 23 to get there from the house up to the -- the connection that

11:31AM 24 Mike Buntenbah had in San Francisco?

11:31AM 25 A So after -- the guy was -- we still talking at this point.

11:31AM 1 We discussing -- you know, he -- he like do more. His guys
11:31AM 2 like do what I'm talking about. And I told 'em, I said, Hey, I
11:31AM 3 get guys that they got money for 'em. Everything is good.
11:31AM 4 Just -- just bring 'em down. We talking, the other guys
11:31AM 5 they're packaging everything up, and they had one garage car
11:31AM 6 set up to where they had compartments that -- that all this
11:31AM 7 coke, all the bricks go into.

11:32AM 8 Q Like secret concealed compartments?

11:32AM 9 A Yeah, concealed compartments. It wasn't out like -- just
11:32AM 10 threw 'em in the trunk, you know. You had to put them inside
11:32AM 11 compartments that was made just for that. Like they had cars
11:32AM 12 that was made just for that.

11:32AM 13 Q Okay. So that was how they were going to get the drugs up
11:32AM 14 to San Francisco?

11:32AM 15 A Yes.

11:32AM 16 Q Were you going to drive with them?

11:32AM 17 A Well, at first we wasn't, but I wanted to -- I wanted to
11:32AM 18 make sure everything that went smooth, you know. So after all
11:32AM 19 of that is done, we come to one agreement and everything, they
11:32AM 20 send -- they send one car to pick up Mike B., who is still at
11:32AM 21 the hotel texting me like, Hey, what the fuck is going on?
11:32AM 22 So they sent one car to pick up Mike B. He comes
11:32AM 23 back, texts me, Hey, I'm outside. We come -- I come outside,
11:32AM 24 we shake -- I shake hands to everybody in the house. I come
11:32AM 25 outside, Mike B. is waiting outside with the car that's

11:32AM 1 supposed to drive us up to -- they set up one car and one
11:33AM 2 driver that was supposed to drive us up to Frisco.
11:33AM 3 Q Okay.
11:33AM 4 A So jump in the car, everybody else -- all the cars lined
11:33AM 5 up waiting for us. The car that's coming out the garage with
11:33AM 6 the coke inside, he come up like that and he pulls in front of
11:33AM 7 us, maybe get three cars in front of him, he pull right here,
11:33AM 8 got couple cars back, and then we're the last car.
11:33AM 9 So everybody leaves. We go maybe 20 minutes to the
11:33AM 10 freeway, we go for jump on the freeway, and then that's when
11:33AM 11 the helicopters come. The cars is coming from different
11:33AM 12 directions on the freeway. They blocking off the next exit.
11:33AM 13 Q You say "cars," you're talking about law enforcement?
11:33AM 14 A Yeah, yeah. Unmarked cars, that's like they just got the
11:33AM 15 lights on the inside.
11:33AM 16 Q Okay.
11:33AM 17 A Yeah, so they're blocking us off. And I'm looking at
11:33AM 18 Mike B. and he's looking at me like, What the fuck, Dude? And
11:34AM 19 I'm like, Hey, it's over. You know, I don't know what the
11:34AM 20 fuck -- I don't know what to tell you. I'm kind of in -- kind
11:34AM 21 of in shock right there, you know.
11:34AM 22 Q So who was in the car that you were riding in besides you
11:34AM 23 and Mike B.?
11:34AM 24 A Me and Mike B. and the driver. I don't think the driver
11:34AM 25 even spoke English.

11:34AM 1 Q Okay.

11:34AM 2 A But --

11:34AM 3 Q So you get pulled over?

11:34AM 4 A Yeah, we get pulled over -- well, we get more than pulled

11:34AM 5 over. Like they got a lot of cars, a lot of -- lot of

11:34AM 6 helicopters, like they forcing us to like drive into the wall,

11:34AM 7 you know. They got -- they get guns out, pulling us out the

11:34AM 8 car, pulling us up against the wall. You know. Yeah, it was

11:34AM 9 over with.

11:34AM 10 Q So you're taken into custody?

11:34AM 11 A Taken into custody, yeah. Everybody was taken, right.

11:34AM 12 That was -- I was -- they was asking everybody when they had up

11:34AM 13 against -- Hey, anybody got any medical issues and stuff like

11:34AM 14 that. I told them I had -- I had heart surgery, I just need my

11:35AM 15 medication.

11:35AM 16 So they took everybody down to the -- to the booking

11:35AM 17 station. When they was there, if we went walk right in, as

11:35AM 18 soon as I went in there, the guy who took me was, Hey, you got

11:35AM 19 to go to the medical, right? You got medical -- I said, Yeah.

11:35AM 20 So he took me straight to the hospital. And I was at the

11:35AM 21 hospital just waiting. I was just waiting for the doctor. It

11:35AM 22 was a long line at the hospital. I'm waiting for the doctor.

11:35AM 23 The officers that is with me is waiting in the room for me.

11:35AM 24 And maybe a few hours after I get to the -- to the

11:35AM 25 hospital, the law comes back and he starts telling me, I'm

11:35AM 1 going to -- he took off my handcuffs, and I was kind of in
11:35AM 2 shock. I was like, What the hell is going on? He was telling
11:35AM 3 me -- showed me a bunch of phones, and he had one bag with
11:36AM 4 phones, all of our phones inside. And I was -- I was still
11:36AM 5 kind of in shock. So I grabbed my phone out the bag. He was
11:36AM 6 like, Hey, you got anything to say? And I was like, No.
11:36AM 7 So I told him, I'm free to go? And he was like,
11:36AM 8 You're free to go. I don't even got my shoes on at this point.
11:36AM 9 I just got socks. I'm in the hospital with cuffs, and he's
11:36AM 10 uncuffing it. And I was like, Fuck.
11:36AM 11 I jumped in the car -- I jumped in the taxi headed to
11:36AM 12 the hospital. I got one call from Mike B., and he was like --
11:36AM 13 I was, Hey, Dude, I'm at the airport. Where you at? He said,
11:36AM 14 Oh, I'm headed to the airport right now. Wait for me over
11:36AM 15 there.
11:36AM 16 So I'm kind of tripping out, like I'm looking at him
11:36AM 17 like, Hey, they let us go. You know. And he was like --
11:36AM 18 Mike B. said, I gotta go -- I said, I'm going home already,
11:36AM 19 fuck this. This is too much for me, you know. If they're
11:36AM 20 going to let me go -- they're going to let me go, I'm out of
11:37AM 21 here, I'm going home.
11:37AM 22 So Mike B. said, These guys in Frisco, they still
11:37AM 23 waiting for me. They don't know what happened. I gotta go up
11:37AM 24 there and let them know what the fuck is going on. And --
11:37AM 25 yeah, that was the -- that was the whole scenario right there.

11:37AM 1 Q So were you ever told why they released you?

11:37AM 2 A No. Yeah, no.

11:37AM 3 Q So I think you said you left the hospital directly to the

11:37AM 4 airport. Is that what you meant?

11:37AM 5 A Yes.

11:37AM 6 Q With no shoes?

11:37AM 7 A Yeah, got no shoes on. You know, I never have shoes on.

11:37AM 8 I had to -- because I remember in the hospital when you go to

11:37AM 9 the stuff, they take your shoe laces and shit like that, you

11:37AM 10 know. So my shoes was off, I was in the hospital with socks,

11:37AM 11 with shackles and handcuffs and everything.

11:37AM 12 And when the -- when the detective came -- because I

11:37AM 13 had two regular -- whatever they was with me. The two law guys

11:38AM 14 that was with me was just there for watch me. So the main guy

11:38AM 15 came over there in charge of whatever case that was doing, and

11:38AM 16 he took off my cuffs and said, Hey, we letting you go. Do you

11:38AM 17 have anything to say? You should talk to us, you know, like

11:38AM 18 that. And I was like, No, I can go? I can go home? And he

11:38AM 19 was like, Yeah, you are free to go.

11:38AM 20 Q So you just got out of there.

11:38AM 21 A Huh?

11:38AM 22 Q So you just got out of there.

11:38AM 23 A Yeah, I got -- I didn't even wait for the doctor to come.

11:38AM 24 Like the doctor, we was waiting for hours for them to come and

11:38AM 25 check me out so I could go back, but as soon as he told me I

11:38AM 1 was free, I was like -- I just left. I never even wait for the
11:38AM 2 doctor. I was out of there. I was just glad to be -- you
11:38AM 3 know.

11:38AM 4 Q Did you catch a flight back to Hawaii that same day?
11:38AM 5 A Yeah, I came -- I came right back to Hawaii. Mike B. shot
11:38AM 6 up to Frisco first. Mike Buntenbah.

11:38AM 7 Q Okay. And you mentioned that the officer came to you and
11:38AM 8 he had a bag of phones, and you took how many phones?

11:38AM 9 A I don't -- I remember I took my phone. I had one
11:39AM 10 Blackberry, you know, the one you can just shoot messages with.

11:39AM 11 I took that one and I threw that one away. But --

11:39AM 12 Q But there were other phones that you had had in the car
11:39AM 13 that you left that you didn't claim?

11:39AM 14 A Yeah. Yeah, I never see those until later, you know.

11:39AM 15 Q So you had taken a number of phones with you initially?

11:39AM 16 A Yeah. Yeah, like I had -- I had a number of phones, one
11:39AM 17 phone for one person.

11:39AM 18 Q So let me have you look at Exhibit 7-005, please.

11:39AM 19 Do you recognize what's shown in that photo?

11:39AM 20 A Yes.

11:39AM 21 Q How do you recognize that?

11:39AM 22 A Because I was there with that, that's how we -- that's how
11:39AM 23 we -- that's how when the thing was getting packaged up, that's
11:39AM 24 how it was getting packaged up.

11:40AM 25 Q This is what you purchased at the meeting in LA that you

11:40AM 1 just described?

11:40AM 2 A Yes.

11:40AM 3 Q And this is what was seized by law enforcement after you

11:40AM 4 were stopped?

11:40AM 5 A Yes.

11:40AM 6 MR. INCIONG: Your Honor, I would move to admit 7-5.

11:40AM 7 THE COURT: Any objection?

11:40AM 8 MR. KENNEDY: No objection.

11:40AM 9 THE COURT: Without objection, 7-5 is admitted. You

11:40AM 10 may publish.

11:40AM 11 (Exhibit 7-005 was received in evidence.)

11:40AM 12 MR. INCIONG: Thank you, Your Honor.

11:40AM 13 BY MR. INCIONG:

11:40AM 14 Q So, Mr. Miller, what is shown here?

11:40AM 15 A That's -- that's 10 kilos of cocaine.

11:40AM 16 Q So each one of those rectangular shaped packages is a kilo

11:40AM 17 of coke?

11:40AM 18 A Yes.

11:40AM 19 Q That's what you purchased with Mr. Miske's money in July

11:40AM 20 of 2014?

11:40AM 21 A Yes. So when I say -- when I say the word "bricks,"

11:40AM 22 that's what -- that's what I was referring to.

11:40AM 23 Q Let me have you look at one other photo, 7-006 -- or I

11:40AM 24 should say 7-6.

11:40AM 25 Do you recognize what's shown in that?

11:40AM 1 A Yes.

11:40AM 2 Q Is that just another -- another view, another

11:40AM 3 configuration of that same item you were just discussing?

11:41AM 4 A Yes.

11:41AM 5 Q Does this accurately show on the bricks as you saw them

11:41AM 6 when you purchased them in July of 2014?

11:41AM 7 A Yes.

11:41AM 8 MR. INCIONG: Your Honor, I would move to admit 7-6.

11:41AM 9 THE COURT: Without objection?

11:41AM 10 MR. KENNEDY: No objection.

11:41AM 11 THE COURT: All right. So without objection, 7-6 is

11:41AM 12 admitted. You may publish.

11:41AM 13 (Exhibit 7-006 was received in evidence.)

11:41AM 14 MR. INCIONG: Thank you, Your Honor.

11:41AM 15 BY MR. INCIONG:

11:41AM 16 Q And, Mr. Miller, this just shows those bricks stacked in a

11:41AM 17 different manner than manner before?

11:41AM 18 A Yes.

11:41AM 19 Q But it's still the same 10 kilos?

11:41AM 20 A Yes.

11:41AM 21 MR. INCIONG: All right. You can take that down now

11:41AM 22 for the moment.

11:41AM 23 BY MR. INCIONG:

11:41AM 24 Q So you fly home?

11:41AM 25 A Yes.

11:41AM 1 Q What do you do when you get home to Hawaii?

11:41AM 2 A Well, first thing when -- when I got home, I was -- I was

11:41AM 3 tired. I was -- I took one small -- I took one small nap. You

11:41AM 4 know, I was trying to just -- I was trying to just get my head

11:41AM 5 together. And that's -- after that the first person I

11:41AM 6 contacted -- after I went home, you know, got some rest, first

11:42AM 7 person I contacted was Miske, and I told him, Hey, I gotta -- I

11:42AM 8 gotta meet you. It's important. You know, so --

11:42AM 9 Q And you met him in person?

11:42AM 10 A Met him in person.

11:42AM 11 Q Do you recall where?

11:42AM 12 A Keolu Hills, in that area where he live out. I was

11:42AM 13 driving down there for meet him. So when I met him, we did the

11:42AM 14 same thing, he was in -- he was in his truck -- I think he was

11:42AM 15 in his truck. He had a silver Tacoma at that time. But when I

11:42AM 16 met him down there, I followed him through the hills again.

11:42AM 17 He -- he always did that for see if anybody following us or

11:42AM 18 not.

11:42AM 19 But we went deep up into the hills, all the way to the

11:42AM 20 top. Not by his house but on the other end, almost by the

11:42AM 21 bluffs. And he parked. I wen' park behind him, walked up to

11:42AM 22 his -- walked up to his truck, jumped into his truck. I told

11:42AM 23 him, I got a talk to you.

11:43AM 24 And he immediately reached for the radio, he turned up

11:43AM 25 the radio, and -- and I started telling him like in not -- not

11:43AM 1 loud in code, like, hey -- I explained to him what happened. I
11:43AM 2 told him the whole deal, what wen' happened, what wen' down and
11:43AM 3 everything like that, you know.

11:43AM 4 Q What was his reaction.

11:43AM 5 A At first he was like -- at first he was like just -- just
11:43AM 6 staring like down, and then after that he was like, Listen,
11:43AM 7 main thing -- he told me, Main thing, you good. Main thing,
11:43AM 8 you all right.

11:43AM 9 But I know what he was thinking because in that
11:43AM 10 conversation had a lot of time where we would stop talking and
11:43AM 11 just -- and just feel each other out. So I know he was
11:43AM 12 thinking like I'm bullshitting him or some shit like that
11:43AM 13 because of -- because of what I just told him. You know, it's
11:43AM 14 kind of like, Hey, he just gave me the money, and you telling
11:43AM 15 me this happened. Sound like I full of shit, but I wasn't.

11:44AM 16 You know, I was telling him -- I was telling him what happened,
11:44AM 17 and he was like -- hey, main thing, you all right. He was
11:44AM 18 like, Main thing, you all right. He was grabbing me and
11:44AM 19 everything, Main thing, you good. He was texting me showing me
11:44AM 20 things like that, and I was responding to him by typing back on
11:44AM 21 his phone. So we're talking for a while in his truck. We're
11:44AM 22 communicating, whether we're talking or we -- we typing
11:44AM 23 messages to each other.

11:44AM 24 We get out the car -- we get out the truck. He said,
11:44AM 25 Let's take a walk. We start walking, and we start walking --

11:44AM 1 that's how -- when we started walking I started -- that's when
11:44AM 2 I knew that he was kind of worried because when we was walking
11:44AM 3 up in the bluffs, he was like looking inside cars for see if
11:44AM 4 people was trying -- trying to listen to us or see us talking.
11:44AM 5 We just kept walking around cars, walking down looking in cars.

11:44AM 6 And he was feeling me out, just telling me, Listen,
11:45AM 7 everything going be all right. You know, fuck 'em, that's only
11:45AM 8 money. You know, trying to make me feel better, and I did for
11:45AM 9 a little bit, you know. And yeah, that was -- that was the
11:45AM 10 initial conversation about -- about that up there in the -- in
11:45AM 11 the bluffs.

11:45AM 12 Q Okay. Well, we'll come back to that in a minute, but I
11:45AM 13 want to talk to you about some of the phones that were seized
11:45AM 14 in Los Angeles by law enforcement when you were arrested.

11:45AM 15 A Okay.

11:45AM 16 Q Okay. You said you had taken a number of phones up there
11:45AM 17 with you, correct?

11:45AM 18 A Yes.

11:45AM 19 Q You didn't bring all of them back with you?

11:45AM 20 A No.

11:45AM 21 Q All right. Tell the jury again why you had these
11:45AM 22 different phones.

11:45AM 23 A I had different phones to talk to -- one phone for one
11:45AM 24 person, you know. Like if I'm talking to Mike B., me and
11:45AM 25 Mike B. get phones just for talk to each other or he get -- he

11:45AM 1 get one phone and he get talking to me and maybe two other guys
11:45AM 2 on his phone.

11:46AM 3 Q Okay.

11:46AM 4 MR. INCIONG: Your Honor, may I approach with -- I
11:46AM 5 have a couple of actual physical items of evidence that I would
11:46AM 6 like to show Mr. Miller. If I could approach him with 7-8,
11:46AM 7 which is a telephone.

11:46AM 8 THE COURT: All right.

11:46AM 9 You've shown that to Mr. Kennedy as well?

11:46AM 10 MR. INCIONG: I did, Your Honor.

11:46AM 11 MR. KENNEDY: He did, Your Honor.

11:46AM 12 THE COURT: All right. Thank you.

11:46AM 13 BY MR. INCIONG:

11:46AM 14 Q Mr. Miller, I am just showing you -- or have placed in
11:46AM 15 front of you what's been marked as Exhibit 7-8. Do you
11:47AM 16 recognize that item?

11:47AM 17 A Yes.

11:47AM 18 Q How do you recognize that?

11:47AM 19 A This is my phone. We went through 'em, I noticed the
11:47AM 20 contacts that was on 'em.

11:47AM 21 Q Okay. So prior to coming to court today, did you have a
11:47AM 22 chance to look at that phone?

11:47AM 23 A Yes.

11:47AM 24 Q And as you indicated, did you power that on and look at --
11:47AM 25 scroll through some of the content, the contact list and so

11:47AM 1 forth?

11:47AM 2 A Yes.

11:47AM 3 Q Did you recognize that as being your phone?

11:47AM 4 A Yes.

11:47AM 5 Q Is this one of the phones that was seized from you in Los

11:47AM 6 Angeles when you were arrested in July of 2014?

11:47AM 7 A Yes.

11:47AM 8 Q Does that phone look at least similar condition as it did

11:47AM 9 when you last had it in July?

11:47AM 10 A Yes.

11:47AM 11 MR. INCIONG: Your Honor, I would move to admit

11:47AM 12 Exhibit 7-8 at this time.

11:47AM 13 THE COURT: Any objection?

11:47AM 14 MR. KENNEDY: No objection.

11:47AM 15 THE COURT: Without objection, Exhibit 7-8 is

11:47AM 16 admitted.

11:47AM 17 (Exhibit 7-008 was received in evidence.)

11:47AM 18 MR. INCIONG: Thank you, Your Honor.

11:47AM 19 I think if we can show Mr. Miller Exhibit 7-8-A on the

11:47AM 20 screen in front of him, please.

11:47AM 21 THE COURT: Go ahead.

11:48AM 22 BY MR. INCIONG:

11:48AM 23 Q Mr. Miller, do you recognize what's shown in this photo?

11:48AM 24 A Yes.

11:48AM 25 Q Is that a photo of the phone that you have in front of you

11:48AM 1 marked Exhibit 7-8?

11:48AM 2 A Yes.

11:48AM 3 MR. INCIONG: Your Honor, I would move to admit 7-8-A.

11:48AM 4 THE COURT: Any objection?

11:48AM 5 MR. KENNEDY: No objection.

11:48AM 6 THE COURT: Without objection, 7-8-Alpha is admitted.

11:48AM 7 You may show it to the jury if you wish.

11:48AM 8 (Exhibit 7-008-A was received in evidence.)

11:48AM 9 MR. INCIONG: Thank you, Your Honor.

11:48AM 10 BY MR. INCIONG:

11:48AM 11 Q So this is one of the phones that you had with you in Los Angeles when you were arrested?

11:48AM 12 A Yes.

11:48AM 13 MR. INCIONG: May I show Mr. Miller Exhibit 7-10 at this time, Your Honor? This is another physical item.

11:48AM 14 THE COURT: Yes.

11:48AM 15 MR. INCIONG: A telephone.

11:48AM 16 THE COURT: Yes. If you would show it to

11:48AM 17 Mr. Kennedy --

11:48AM 18 MR. INCIONG: Yes.

11:48AM 19 THE COURT: -- before the witness. Thank you.

11:49AM 20 BY MR. INCIONG:

11:49AM 21 Q Mr. Miller, I'm showing you what's -- what's been marked as Exhibit 7-10. Do you recognize that phone?

11:49AM 22 A Yes.

11:49AM 1 Q How did you recognize that?

11:49AM 2 A I went through the text messages, and I knew that -- that

11:49AM 3 was mines.

11:49AM 4 Q Is that phone in substantially the same condition as when

11:49AM 5 you last saw it in July of 2014?

11:49AM 6 A Yeah.

11:49AM 7 Q And you actually powered that phone on and were you able

11:49AM 8 to look at some of the contents as well?

11:49AM 9 A Yes.

11:49AM 10 MR. INCIONG: Your Honor, I would move to admit

11:49AM 11 Exhibit 7-10.

11:49AM 12 THE COURT: Any objection?

11:49AM 13 MR. KENNEDY: Your Honor, can I just ask a question of

11:50AM 14 the witness to determine whose phone?

11:50AM 15 THE COURT: Well, if you have an objection, you can

11:50AM 16 make an objection.

11:50AM 17 MR. KENNEDY: I object on foundation. We don't

11:50AM 18 know --

11:50AM 19 THE COURT: Sustained.

11:50AM 20 MR. KENNEDY: -- whose phone it is.

11:50AM 21 BY MR. INCIONG:

11:50AM 22 Q Mr. Miller, when you looked at this particular phone, did

11:50AM 23 you recognize this as being your phone or someone else's phone

11:50AM 24 when you looked at the contents?

11:50AM 25 A Yeah, we went through the -- if this is the one we went --

11:50AM 1 if this the one we went through, I noticed this phone because
11:50AM 2 the messages that was inside, I knew I sent those messages.
11:50AM 3 Q There were certain text messages that you saw that you
11:50AM 4 knew you had sent that you saw on that phone?
11:50AM 5 A Yes.

11:50AM 6 MR. INCIONG: Your Honor, I would move to admit 7-10.

11:50AM 7 THE COURT: Any objection?

11:50AM 8 MR. KENNEDY: No objection now that I know that it's
11:50AM 9 Mr. Miller's phone and not someone else's.

11:50AM 10 THE COURT: All right. Without objection, 7-10 is
11:50AM 11 admitted.

11:50AM 12 (Exhibit 7-010 was received in evidence.)

11:50AM 13 MR. INCIONG: Your Honor, may I show Exhibit 7-10-A to
11:50AM 14 Mr. Miller?

11:50AM 15 THE COURT: Yes.

11:50AM 16 BY MR. INCIONG:

11:50AM 17 Q Do you recognize that particular photo, Mr. Miller?

11:51AM 18 A Yes.

11:51AM 19 Q Is this a photo of Exhibit 7-10 which is in front of you?

11:51AM 20 A Yes.

11:51AM 21 MR. INCIONG: Your Honor, I would move to admit 7-10-A
11:51AM 22 and ask to publish.

11:51AM 23 THE COURT: All right. Any objection?

11:51AM 24 MR. KENNEDY: No objection, Your Honor.

11:51AM 25 THE COURT: Without objection, 7-10-Alpha is admitted.

11:51AM 1 You may publish.

11:51AM 2 (Exhibit 7-010-A was received in evidence.)

11:51AM 3 MR. INCIONG: Thank you.

11:51AM 4 BY MR. INCIONG:

11:51AM 5 Q So this is another phone that was seized in Los Angeles,

11:51AM 6 correct?

11:51AM 7 A Yes.

11:51AM 8 MR. INCIONG: Your Honor, may I approach Mr. Miller

11:51AM 9 with 7-11, another telephone?

11:51AM 10 THE COURT: Yes, you may after showing it to

11:51AM 11 Mr. Kennedy. Thank you.

11:52AM 12 BY MR. INCIONG:

11:52AM 13 Q Do you recognize what's been marked as 7-11, Mr. Miller?

11:52AM 14 A Yes.

11:52AM 15 Q How do you recognize that?

11:52AM 16 A So, listen, I only recognize these phones because I know

11:52AM 17 the text messages that was sent and that was mine, you know.

11:52AM 18 Q Right. So that's what I'm asking you, sir. So the

11:52AM 19 question is how do you recognize that phone?

11:52AM 20 A I mean, that's -- that's my phone.

11:52AM 21 Q Like did you power that phone on or look at the contents?

11:52AM 22 A Yes.

11:52AM 23 Q Did you recognize any of the contents?

11:52AM 24 A Yes.

11:52AM 25 Q Did you recognize that as being one of the phones you had

11:52AM 1 in LA with you in July of 2014?

11:52AM 2 A Yes.

11:52AM 3 Q Is that phone in substantially the same condition as when

11:52AM 4 you last had it in 2014?

11:52AM 5 A Yes.

11:52AM 6 MR. INCIONG: Your Honor, I would move to admit

11:52AM 7 Exhibit 7-11.

11:52AM 8 THE COURT: Any objection, Mr. Kennedy?

11:52AM 9 MR. KENNEDY: No objection.

11:52AM 10 THE COURT: Without objection, 7-11 is admitted.

11:52AM 11 (Exhibit 7-011 was received in evidence.)

11:53AM 12 MR. INCIONG: Thank you, Your Honor. And may I show

11:53AM 13 Mr. Miller Exhibit 7-11-A on the screen in front of him,

11:53AM 14 please?

11:53AM 15 THE COURT: Yes, you may.

11:53AM 16 BY MR. INCIONG:

11:53AM 17 Q Mr. Miller, do you recognize what's shown in that photo?

11:53AM 18 A Yes.

11:53AM 19 Q Is that a photo of the item you have in front of you

11:53AM 20 marked 7-11?

11:53AM 21 A Yes.

11:53AM 22 MR. INCIONG: Your Honor, I would move to admit

11:53AM 23 7-11-A.

11:53AM 24 THE COURT: All right. Any objection?

11:53AM 25 MR. KENNEDY: No objection, Your Honor.

11:53AM 1 THE COURT: Without objection, 7-11-Alpha is admitted.

11:53AM 2 You may show it to the jury.

11:53AM 3 (Exhibit 7-011-A was received in evidence.)

11:53AM 4 MR. INCIONG: Thank you, Your Honor.

11:53AM 5 BY MR. INCIONG:

11:53AM 6 Q So, Mr. Miller, this is another phone that you had with

11:53AM 7 you in Los Angeles in July 2014?

11:53AM 8 A Yes.

11:53AM 9 MR. INCIONG: All right. Can I have 7-14, please?

11:53AM 10 May I show 7-14 to the witness, Your Honor?

11:53AM 11 THE COURT: Yes.

11:53AM 12 MR. INCIONG: And I'll show it to defense counsel

11:53AM 13 first.

11:54AM 14 THE COURT: We're also getting to the point in time,

11:54AM 15 Mr. Inciong, where we should likely take our second break. So

11:54AM 16 whenever that is right, let me know.

11:54AM 17 MR. INCIONG: If I can just have couple more minutes,

11:54AM 18 Your Honor?

11:54AM 19 THE COURT: Yes.

11:54AM 20 MR. INCIONG: Thank you.

11:54AM 21 BY MR. INCIONG:

11:54AM 22 Q Mr. Miller, do you recognize what's been marked as

11:54AM 23 Exhibit 7-14?

11:54AM 24 A Yes.

11:54AM 25 Q How do you recognize that?

11:54AM 1 A From going through the phone, from the text messages that
11:54AM 2 I sent.

11:54AM 3 Q And you were able to do that prior to testifying today?

11:54AM 4 A Yes.

11:54AM 5 Q And based on the content that you saw, you recognize that
11:54AM 6 as your phone?

11:54AM 7 A Yes.

11:54AM 8 Q Specifically one that you had with you in July of 2014?

11:54AM 9 A Yes.

11:54AM 10 Q And did you actually write your initials and sticker on
11:55AM 11 that phone to acknowledge that?

11:55AM 12 A Yes.

11:55AM 13 MR. INCIONG: Your Honor, I would move to admit 7-14.

11:55AM 14 THE COURT: Any objection?

11:55AM 15 MR. KENNEDY: No objection.

11:55AM 16 THE COURT: Without objection, 7-14 is admitted.

11:55AM 17 (Exhibit 7-014 was received in evidence.)

11:55AM 18 MR. INCIONG: And then, Your Honor, just last thing
11:55AM 19 before we break, if I could show Mr. Miller 7-14-A?

11:55AM 20 THE COURT: Yes.

11:55AM 21 BY MR. INCIONG:

11:55AM 22 Q Do you see that exhibit, Mr. Miller?

11:55AM 23 A Yes.

11:55AM 24 Q Do you recognize that?

11:55AM 25 A Yes.

11:55AM 1 Q Is that a photo of the phone you have in front of you
11:55AM 2 marked Exhibit 7-14?

11:55AM 3 A Yes.

11:55AM 4 MR. INCIONG: Your Honor, I would move to admit
11:55AM 5 7-14-Alpha.

11:55AM 6 THE COURT: Any objection?

11:55AM 7 MR. KENNEDY: No objection.

11:55AM 8 THE COURT: Without objection, 7-14-Alpha is admitted.
11:55AM 9 (Exhibit 7-014-A was received in evidence.)

11:55AM 10 MR. INCIONG: Can I publish that, Your Honor?

11:55AM 11 THE COURT: Yes, you may.

11:55AM 12 BY MR. INCIONG:

11:55AM 13 Q And, Miller -- sorry, Mr. Miller, this is again another
11:55AM 14 phone you had with you when you were arrested in Los Angeles in
11:55AM 15 2014?

11:55AM 16 A Yes.

11:55AM 17 MR. INCIONG: Your Honor, we can stop there then.

11:55AM 18 THE COURT: All right. We are at the point of the
11:55AM 19 trial day where we're going to take our second break.

11:56AM 20 As we go to break, I'll remind the jurors to refrain
21 from discussing the substance of this case with anyone,
22 including each other, until I advise you otherwise; to refrain
23 from conducting any independent investigation into the facts,
24 circumstances or persons involved; and finally, please do not
25 access any media or other accounts of this case that may be out

11:56AM 1 there.

11:56AM 2 It is just about noon, so let's try to get back here

11:56AM 3 by about 12:15. That will leave us a little more than an hour

11:56AM 4 to finish up the trial day.

11:56AM 5 (Proceedings were recessed at 11:56 a.m. to 12:20

12:06PM 6 p.m.)

12:20PM 7 THE COURT: The second break of the day. The record

12:20PM 8 should reflect the return of all of our jurors, the parties and

12:20PM 9 their lawyers.

12:20PM 10 Mr. Inciong, you may resume.

12:20PM 11 MR. INCIONG: Thank you, Your Honor.

12:20PM 12 BY MR. INCIONG:

12:20PM 13 Q Mr. Miller, you had indicated you recognized these phones

12:20PM 14 by the contents that you had reviewed, correct?

12:20PM 15 A Yes.

12:20PM 16 Q So I'd like to go through some of that content in specific

12:20PM 17 with you.

12:20PM 18 MR. INCIONG: If we could start, Your Honor, with

12:20PM 19 Exhibit 7-8-C. This has been agreed to by stipulation as

12:20PM 20 an extraction from one of Mr. Miller's phones, the white

12:20PM 21 iPhone 4S.

12:20PM 22 THE COURT: Well, when you say this has been agreed to

12:20PM 23 by stipulation, there are lots of exhibits that have been

12:21PM 24 agreed to for purposes of admissibility and there are other

12:21PM 25 stipulations that are less than that. So --

12:21PM 1 MR. INCIONG: Right. Yeah, let me -- let me expand on
12:21PM 2 that. This has been admitted for foundation and authenticity.
12:21PM 3 I would move to admit Exhibit 7-8-C as the contents of --
12:21PM 4 specifically the contacts list from this particular phone.
12:21PM 5 THE COURT: All right. Any objection? I'll start
12:21PM 6 there.
12:21PM 7 MR. KENNEDY: Your Honor, no objection. However, I
12:21PM 8 believe it's not all the contacts of that phone, and with that
12:21PM 9 stipulation, I would agree that it should be admitted.
12:21PM 10 MR. INCIONG: That's correct, Your Honor.
12:21PM 11 THE COURT: All right. With that stipulation,
12:21PM 12 7-8-Charlie is admitted. You may publish.
12:21PM 13 (Exhibit 7-008-C was received in evidence.)
12:21PM 14 MR. INCIONG: May we publish that?
12:21PM 15 THE COURT: Yes.
12:21PM 16 MR. INCIONG: So if we could start with box number 1,
12:21PM 17 please. If you could enlarge that for both the jury and the
12:21PM 18 witness to see.
12:21PM 19 BY MR. INCIONG:
12:22PM 20 Q So, Mr. Miller, this is from the contacts list from your
12:22PM 21 white iPhone 4S. Contact number 1 there, do you see that
12:22PM 22 listed as the name as Cuzspam?
12:22PM 23 A Yes.
12:22PM 24 Q Who is Cuzspam?
12:22PM 25 A Sammy Kuuana.

12:22PM 1 Q Sammy Kuuana is one of the people you described that was
12:22PM 2 initially going to put up some of the money for the cocaine
12:22PM 3 deal?
12:22PM 4 A Yes.
12:22PM 5 Q Okay. And that number is listed -- associated with him as
12:22PM 6 (808) 589-8890?
12:22PM 7 A Yes.
12:22PM 8 MR. INCIONG: All right. If we could move down,
12:22PM 9 please.
12:22PM 10 BY MR. INCIONG:
12:22PM 11 Q Number 2 and 21A, those are still Cuzspam. Do you see
12:22PM 12 that?
12:22PM 13 A Yes.
12:22PM 14 Q That's the same person?
12:22PM 15 A Yes.
12:22PM 16 MR. INCIONG: Okay. Could we scroll drawn.
12:22PM 17 BY MR. INCIONG:
12:22PM 18 Q Number 3 is Cuzspam?
12:22PM 19 A Yes.
12:22PM 20 Q That's the same person as well?
12:22PM 21 A Yes.
12:22PM 22 Q All right. We can skip 4 and 5 for now.
12:23PM 23 I wanted to ask you -- we'll go down to the second
12:23PM 24 page, the first box -- Drew is a name that we saw multiple
12:23PM 25 entries for as well. Who is Drew?

12:23PM 1 A That's one of my friends.
12:23PM 2 Q Was he involved in the cocaine thing at all?
12:23PM 3 A No.
12:23PM 4 Q He was just a contact you had on your phone?
12:23PM 5 A Yes.
12:23PM 6 MR. INCIONG: Okay. Could we scroll down.
12:23PM 7 BY MR. INCIONG:
12:23PM 8 Q The next entry I want you to look at is number 7. Do you
12:23PM 9 see that?
12:23PM 10 A Yes.
12:23PM 11 Q It's capital M, small letter b?
12:23PM 12 A Yes.
12:23PM 13 Q Who is that number for?
12:23PM 14 A Mike Buntenbah.
12:23PM 15 Q Mike Buntenbah is the person you described that
12:23PM 16 accompanied you to Los Angeles?
12:23PM 17 A Yes.
12:23PM 18 Q And his name is (808) 292-1555?
12:23PM 19 A Yes.
12:23PM 20 Q Okay.
12:23PM 21 MR. INCIONG: All right. If we could turn next then
12:23PM 22 to -- and show Mr. Miller Exhibit 7-8-D, as in dog.
12:24PM 23 Mr. Miller, have you seen this document before?
12:24PM 24 A Yes.
12:24PM 25 Q Did you review this prior to your testimony today?

12:24PM 1 A Yes.

12:24PM 2 Q And does this show some of the text messaging that you

12:24PM 3 were involved in before you went on this trip to Los Angeles in

12:24PM 4 2014?

12:24PM 5 A Yes.

12:24PM 6 MR. INCIONG: Your Honor, I would move to admit -- the

12:24PM 7 foundation and authenticity has been stipulated to as an

12:24PM 8 extraction from this phone. I would move to admit based on the

12:24PM 9 relevance just laid by Mr. Miller.

12:24PM 10 THE COURT: Any objection, Mr. Kennedy?

12:24PM 11 MR. KENNEDY: Counsel, is it a -- just a one-page?

12:24PM 12 MR. INCIONG: No, I'm sorry, it is not. It is

12:24PM 13 multiple pages. There are 17 pages in total, I believe.

12:24PM 14 MR. KENNEDY: Did you say seven?

12:25PM 15 MR. INCIONG: Seventeen, I believe.

12:25PM 16 MR. KENNEDY: Seventeen? Could you just go to the

12:25PM 17 end?

12:25PM 18 MR. INCIONG: Sure.

12:25PM 19 MR. KENNEDY: No objection, Your Honor.

12:25PM 20 THE COURT: Without objection, Exhibit 7-8-Delta is

12:25PM 21 admitted.

12:25PM 22 (Exhibit 7-008-D was received in evidence.)

12:25PM 23 MR. INCIONG: Thank you, Your Honor.

12:25PM 24 And if we could actually go to the very end of that

12:25PM 25 document, I believe these appear in reverse order

12:25PM 1 chronologically.

12:25PM 2 THE COURT: Yes, you may publish.

12:25PM 3 MR. INCIONG: Thank you.

12:25PM 4 So starting at the bottom, if we could highlight the

12:25PM 5 first couple text messages.

12:25PM 6 BY MR. INCIONG:

12:25PM 7 Q So, Mr. Miller, do you see the message numbered 75?

12:25PM 8 A Yes.

12:25PM 9 Q That's an outgoing message. Do you see that?

12:25PM 10 A Yes.

12:25PM 11 Q And do you see where it says: "Yo, where you going be

12:25PM 12 today? Gotta plan this out right so everything works out"?

12:25PM 13 A Yes.

12:25PM 14 Q Do you recall sending that particular text message?

12:26PM 15 A Not -- I mean not really, yeah.

12:26PM 16 Q Okay. Let me have you --

12:26PM 17 MR. INCIONG: Let's scroll up then.

12:26PM 18 BY MR. INCIONG:

12:26PM 19 Q If we look at text message number 73 --

12:26PM 20 A Yeah.

12:26PM 21 Q -- do you see that -- do you see the date there, July 14

12:26PM 22 of 2014?

12:26PM 23 A Right.

12:26PM 24 Q Another outgoing message. Do you see the message, "I

12:26PM 25 going under the grid"?

12:26PM 1 A Yeah. This is outgoing from my phone?

12:26PM 2 Q Yes.

12:26PM 3 A Okay.

12:26PM 4 Q What did -- what did that text message mean?

12:26PM 5 A Who am I texting?

12:26PM 6 Q Well, you tell me.

12:26PM 7 A This was a long time ago. Mark.

12:26PM 8 MR. INCIONG: Okay. Let me -- let me have you scroll up.

12:26PM 9 up.

12:26PM 10 BY MR. INCIONG:

12:26PM 11 Q Look at --

12:27PM 12 MR. INCIONG: Stop there, please.

12:27PM 13 BY MR. INCIONG:

12:27PM 14 Q -- 70 -- message 72.

12:27PM 15 A I need to --

12:27PM 16 Q Do you see that, the same date, July 14th, "All burners"?

12:27PM 17 A Yes.

12:27PM 18 Q And then the message up above that, "No phones"?

12:27PM 19 A Yes.

12:27PM 20 Q What does that signify? "All burners" is --

12:27PM 21 A Yeah, I -- I not communicating through my whole -- you gotta read me this whole thing, though, so I can tell you who -- who I'm going at this with.

12:27PM 22 Q Okay. Well, let's scroll up and we'll go through them one by one. Read them to yourself, and then give us the context.

12:27PM 23

12:27PM 24

12:27PM 25

12:27PM 1 So we're up to number 70. Do you see that one?

12:27PM 2 A Yes.

12:27PM 3 Q Okay. 69?

12:27PM 4 A Yeah.

12:27PM 5 Q 68?

12:27PM 6 A Yes.

12:27PM 7 Q 67?

12:28PM 8 A Yes.

12:28PM 9 Q 66?

12:28PM 10 A Yes.

12:28PM 11 Q What does that say?

12:28PM 12 A That's an incoming.

12:28PM 13 Q Right. What does -- what is the message that was

12:28PM 14 received?

12:28PM 15 A Asking for Mai's full name.

12:28PM 16 Q Why was that question being asked of you?

12:28PM 17 A Well, I think I reading 'em, if that's -- I don't know.

12:28PM 18 Q Okay. Well, let's continue to scroll up.

12:28PM 19 65, you reply, correct?

12:28PM 20 MR. INCIONG: Hold on. Stop there.

12:28PM 21 BY MR. INCIONG:

12:28PM 22 Q You see message 65 --

12:28PM 23 A Yes.

12:28PM 24 Q -- outgoing message on July 15th?

12:28PM 25 A Yes.

12:28PM 1 Q You respond with Sara Maile Tufele?

12:29PM 2 A Yes.

12:29PM 3 Q Who's name is that?

12:29PM 4 A That's my -- my son's mom.

12:29PM 5 MR. INCIONG: Let's scroll up then, please.

12:29PM 6 BY MR. INCIONG:

12:29PM 7 Q Do you see that incoming message on July 17th?

12:29PM 8 A Yes.

12:29PM 9 Q Okay. That's addressed to you?

12:29PM 10 A Yes. This is all different. This is all different people

12:29PM 11 I'm texting. It's not the same conversation.

12:29PM 12 Q Okay. So who were you texting?

12:29PM 13 A So on this one right here, I think this is Sammy's wife

12:29PM 14 texting me.

12:29PM 15 Q Okay. Who is Sammy's wife?

12:29PM 16 A Star. Star Kuuana.

12:29PM 17 Q Okay. Why would you -- why were you texting her in the

12:29PM 18 days leading up to before you left for LA?

12:29PM 19 A Okay, so now -- so that day -- she worked for Hawaiian

12:29PM 20 Airlines, so she was booking my -- she was booking my flight.

12:29PM 21 Q Okay.

12:29PM 22 A Yeah.

12:29PM 23 Q And that was the flight to Los Angeles for the cocaine

12:29PM 24 deal.

12:29PM 25 A Yes.

12:29PM 1 Q Okay. Is that why she needed -- why did she need your --
12:30PM 2 A So -- so keep going. I recognizing this conversation
12:30PM 3 right here with her.
12:30PM 4 Q Okay. All right. So we can continue to scroll up.
12:30PM 5 A Yeah, so see we're going backwards now. I'm -- I'm
12:30PM 6 texting her this. I'm texting her. You started backwards.
12:30PM 7 You started backwards.
12:30PM 8 Q We're going in chronological order, Mr. Miller. So if you
12:30PM 9 go up, that's the order we went, but we can continue to scroll
12:30PM 10 up here.
12:30PM 11 A Yeah.
12:30PM 12 Q So the next message is incoming message, correct?
12:30PM 13 A Yeah.
12:30PM 14 Q And those are times?
12:30PM 15 A Yeah.
12:30PM 16 Q "And got K fares," what did that mean?
12:30PM 17 A Yeah, like I'm sending that out -- no, she's sending that
12:30PM 18 in, she's telling me got K fares. That's earlier the messages
12:30PM 19 was book me direct or whatever it was. So at that time right
12:30PM 20 there, now this conversation -- so I'm meeting -- I'm
12:31PM 21 meeting -- this is leading up to me leaving.
12:31PM 22 Q Okay.
12:31PM 23 A So I'm trying to meet Sammy again now in this conversation
12:31PM 24 for -- to -- I think he's waiting for me somewhere.
12:31PM 25 Q Okay. And you're arranging your flights as well?

12:31PM 1 A Yeah.

12:31PM 2 Q All right. So are those flight times that are listed that

12:31PM 3 you're choosing from?

12:31PM 4 A Yeah.

12:31PM 5 MR. INCIONG: Okay. So if we can scroll up then,

12:31PM 6 please.

12:31PM 7 BY MR. INCIONG:

12:31PM 8 Q So that's -- you send a text message on July 17th at

12:31PM 9 10:12 -- I'm sorry, 10:42?

12:31PM 10 A Yeah. That's why I say you going backwards, going from 62

12:31PM 11 to 61.

12:31PM 12 Q Mr. Miller, just answer the question, please. Is this a

12:31PM 13 text message you sent out on that day?

12:31PM 14 A Yeah.

12:31PM 15 Q And what are you saying there in that message?

12:31PM 16 A "Fly out first flight Sunday morning."

12:31PM 17 Q So that's when you want to go to LA?

12:31PM 18 A What day is this? Yeah.

12:32PM 19 Q Okay. You sent the next message a minute later, "Back to

12:32PM 20 LA"?

12:32PM 21 A Yeah.

12:32PM 22 Q So this again travel for your trip to and from Los

12:32PM 23 Angeles?

12:32PM 24 A Yeah.

12:32PM 25 Q So if we can scroll up. This is an incoming message?

12:32PM 1 A Yes.

12:32PM 2 Q So you said, "Tomorrow"?

12:32PM 3 A Yes.

12:32PM 4 Q So you're trying to decide on the -- the date that you're

12:32PM 5 going to fly out?

12:32PM 6 A Yes.

12:32PM 7 Q Okay. So this message that came into to you on July 17th

12:32PM 8 at 10:43 a.m., "Am I checking to LA tomorrow or Sunday?"

12:32PM 9 Do you recall who sent you that message?

12:32PM 10 A Yes, it's got to be Star.

12:32PM 11 Q And she's the one that worked for Hawaiian Airlines?

12:32PM 12 A Yes. If this is her, then yeah. But this is her. I

12:33PM 13 remember that message she sending me, I'm telling when --

12:33PM 14 Q I think I might have said 10:43 a.m. It was actually

12:33PM 15 10:43 p.m., my mistake.

12:33PM 16 MR. INCIONG: Okay. If we could scroll up to the next

12:33PM 17 messages.

12:33PM 18 BY MR. INCIONG:

12:33PM 19 Q So this is incoming message a few minutes later. Are you

12:33PM 20 giving -- getting your flight times at that point in message

12:33PM 21 57?

12:33PM 22 A On the 17th?

12:33PM 23 Q 9:00 p.m. -- I'm sorry -- "6:00 p.m. LAX to Honolulu

12:33PM 24 tomorrow. Sunday, Honolulu to LAX, 9:00 a.m."

12:33PM 25 A See, you getting me mixed up. This might be the 17th. As

12:33PM 1 I read 'em, I think LAX to Honolulu, I think she's booking
12:33PM 2 the -- the guys that came down to meet me. Because I'm reading
12:34PM 3 it, "6:00 p.m., LAX to Honolulu tomorrow."
12:34PM 4 Q Okay.
12:34PM 5 A You know what I mean?
12:34PM 6 Q Okay.
12:34PM 7 A That's why I'm getting screwed up with this.
12:34PM 8 Q Okay. So let me ask just a couple of questions about
12:34PM 9 that. So there was multiple travel arrangements that were
12:34PM 10 going on at this time. Would that be fair to say?
12:34PM 11 A Yes.
12:34PM 12 Q So you were preparing to fly to LA.
12:34PM 13 A Yes.
12:34PM 14 Q But before that happened, is that when the people from
12:34PM 15 California were coming to meet you?
12:34PM 16 A Yes.
12:34PM 17 Q Was Starlynn Kuuana helping you with those arrangements as
12:34PM 18 well?
12:34PM 19 A Yeah.
12:34PM 20 Q Okay.
12:34PM 21 A And that's -- that's what I reading, this is a different
12:34PM 22 text. I'm getting mixed up.
12:34PM 23 Q Okay. Thank you for the clarification.
12:34PM 24 MR. INCIONG: So if we roll up -- scroll up, please.
12:34PM 25 BY MR. INCIONG:

12:34PM 1 Q "Is there an earlier flight tomorrow," you text out that.

12:34PM 2 So that's continuing just to make arrangements at that point,

12:34PM 3 correct?

12:34PM 4 A Yeah.

12:34PM 5 Q Okay. I think we can keep going up, this is just more of

12:34PM 6 the same, you're finalizing your -- either your or the

12:35PM 7 individuals coming in from LA, their flight arrangements?

12:35PM 8 A Yeah. Yeah.

12:35PM 9 Q Did you handle or pay for the flights for the people

12:35PM 10 coming from LA to meet you?

12:35PM 11 A Yeah, yeah, yeah.

12:35PM 12 Q Was that part of the deal?

12:35PM 13 A Well, it wasn't part of the deal, but I just told them,

12:35PM 14 Hey, come down -- you know, when I was communicating with them

12:35PM 15 I told them, Come down here, I'll pick you guys up from the

12:35PM 16 airport. And that's what this conversation is.

12:35PM 17 Q Okay.

12:35PM 18 MR. INCIONG: All right. So we can keep scrolling up.

12:35PM 19 We can just keep going up a little bit further.

12:35PM 20 BY MR. INCIONG:

12:35PM 21 Q I want you to look at message number 50.

12:35PM 22 A Yeah.

12:35PM 23 Q There's an incoming message that same date, but now 11 --

12:35PM 24 I'm sorry, 11:32 p.m., and under the message is a series of

12:35PM 25 letters. Do you see that, OTYYSC?

12:35PM 1 A Yeah.

12:35PM 2 Q Is that a confirmation code?

12:35PM 3 A Oh, yeah, confirmation, yeah.

12:35PM 4 Q All right. So this is again more -- more travel

12:35PM 5 arrangements that you're making?

12:36PM 6 A Yeah.

12:36PM 7 Q Okay. All right. So I think we get the idea from that.

12:36PM 8 Let me have you look next at Exhibit 7-8-E, as in

12:36PM 9 Edward.

12:36PM 10 Have you reviewed these messages before --

12:36PM 11 A Yes.

12:36PM 12 Q -- Mr. Miller?

12:36PM 13 And did you recognize this as being a conversation or

12:36PM 14 messages you exchanged with Mike Buntenbah when you were in Los

12:36PM 15 Angeles?

12:36PM 16 A Yes.

12:36PM 17 MR. INCIONG: Your Honor, I would move to admit --

12:36PM 18 foundation and authenticity as stipulated to by the parties and

12:36PM 19 based on Mr. Miller's foundation for relevance, I would move to

12:36PM 20 admit the exhibit.

12:36PM 21 THE COURT: Any objection?

12:36PM 22 MR. KENNEDY: No objection.

12:36PM 23 THE COURT: Without objection, 7-8-E is admitted.

12:36PM 24 (Exhibit 7-008-E was received in evidence.)

12:36PM 25 MR. INCIONG: Thank you, Your Honor.

12:36PM 1 So I believe -- there's actually two pages. So if we
12:37PM 2 can start up on page 1.
12:37PM 3 BY MR. INCIONG:
12:37PM 4 Q So there's -- there's a message here that you sent to MB
12:37PM 5 on July 21st, 2014, at 7:22 p.m. Do you see that?
12:37PM 6 A Yes.
12:37PM 7 Q Are you in Los Angeles at this point?
12:37PM 8 A Yes.
12:37PM 9 Q And your message to MB is: "He's out front."
12:37PM 10 A Yes.
12:37PM 11 Q What did you mean by that?
12:37PM 12 A So the -- they sent the car to pick him up, because
12:37PM 13 everything was done and we was just waiting. At this point
12:37PM 14 right there we -- everything is done, the deal is done. So we
12:37PM 15 just loading up the car and everything like that. I told him,
12:37PM 16 I got a pick up my friend, he staying at the hotel.
12:37PM 17 So when we're talking, they send the guy, and I'm --
12:37PM 18 I'm texting -- they don't got Mike B.'s number, so I'm texting
12:37PM 19 Mike B., Hey, the guy is out front to pick you up, white
12:37PM 20 Cadillac. That's what he's driving.
12:38PM 21 Q Okay. All right. So if we go down to the next message,
12:38PM 22 that's what you text exactly, right?
12:38PM 23 A Yeah.
12:38PM 24 Q You text a follow-up text, "White Cadillac."
12:38PM 25 A Yes.

12:38PM 1 Q That was the car that Mr. Buntenbah should be looking for?

12:38PM 2 A Yes.

12:38PM 3 Q So he's at the hotel when you're sending him this?

12:38PM 4 A Yes.

12:38PM 5 Q You're at the drug house?

12:38PM 6 A Yes.

12:38PM 7 MR. INCIONG: All right. Can we go down to the next bubble.

12:38PM 8

12:38PM 9 BY MR. INCIONG:

12:38PM 10 Q So is this Mr. B -- Mr. Buntenbah responding to you?

12:38PM 11 A Yes.

12:38PM 12 Q He sends you a text at 7:31 p.m. on July 21st?

12:38PM 13 A Yes.

12:38PM 14 Q And he says: "I'm in."

12:38PM 15 A Yes.

12:38PM 16 Q What does that mean?

12:38PM 17 A He's -- he's in the car. He's on way.

12:38PM 18 Q All right.

12:38PM 19 A That was the response to me telling him they outside,

12:38PM 20 white Cadillac, he texted me back, "I'm in."

12:38PM 21 Q Okay.

12:38PM 22 MR. INCIONG: And if we could go to the final bubble

12:38PM 23 on that exhibit.

12:38PM 24 BY MR. INCIONG:

12:38PM 25 Q Do you recognize this?

12:38PM 1 A Yes.

12:38PM 2 Q Is this your response --

12:38PM 3 A Yes.

12:38PM 4 Q -- to Mr. Buntenbah telling you that he's in?

12:38PM 5 A Yes.

12:38PM 6 Q You text him at 7:31 p.m.: "Thank God."

12:39PM 7 A Yes.

12:39PM 8 Q Why did you say, "Thank God"?

12:39PM 9 A I was kind of -- I was ready to leave the house too. I

12:39PM 10 was done, and he was on the way with -- we was headed up to San

12:39PM 11 Francisco, I told him, Hey, we good to go.

12:39PM 12 Q You said earlier you were kind of freaking out when you

12:39PM 13 were at that house.

12:39PM 14 A Yeah.

12:39PM 15 Q Were you relaxed now by this point or were you still kind

12:39PM 16 of worried?

12:39PM 17 A Yeah, I was more relaxed because everything was done, you

12:39PM 18 know, but I just was -- I was ready to get out of there.

12:39PM 19 MR. INCIONG: Could we go next to Exhibit 17-3-D,

12:39PM 20 please.

12:39PM 21 THE COURT: 17?

12:39PM 22 MR. INCIONG: 17 -- I'm sorry -- 7 -- sorry, Your

12:39PM 23 Honor. 7-13-D. 7-13-D.

12:39PM 24 BY MR. INCIONG:

12:40PM 25 Q Do you recall reviewing -- and take a minute, Mr. Miller.

12:40PM 1 We can scroll down if you need to see them all, but do you
12:40PM 2 recall reviewing this series of text messages prior to court
12:40PM 3 today?

12:40PM 4 A Yes.

12:40PM 5 Q Okay. Do you recognize these as text messages between
12:40PM 6 yourself and Michael Buntenbah when you were in -- getting
12:40PM 7 ready for the trip to LA?

12:40PM 8 A Yes.

12:40PM 9 MR. INCIONG: Your Honor, I would move to admit
12:40PM 10 Exhibit 7-13-D. The foundation has been stipulated to, and
12:40PM 11 based on Mr. Miller's description, I believe they are relevant.

12:40PM 12 THE COURT: Any objection?

12:40PM 13 MR. KENNEDY: If I could see the last page and the
12:40PM 14 first page? Is this the last page? Okay. And the first page,
12:40PM 15 please.

12:40PM 16 No objection.

12:40PM 17 THE COURT: Without objection, Exhibit 7-13-D, as in
12:41PM 18 delta, is admitted. You may publish.

12:41PM 19 (Exhibit 7-13-D was received in evidence.)

12:41PM 20 MR. INCIONG: Thank you, Your Honor.

12:41PM 21 If we could start at the bottom, I guess it's page 6,
12:41PM 22 so we go in order chronologically.

12:41PM 23 BY MR. INCIONG:

12:41PM 24 Q So this is a message that you received from Mr. Buntenbah
12:41PM 25 saying: "We going Sunday." Is that correct?

12:41PM 1 A No, I think that's -- that's outgoing. This is my phone
12:41PM 2 telling him "We going Sunday."
12:41PM 3 Q Are you -- well, let me ask you this: Are you sure this
12:41PM 4 particular phone is your phone or do you just recognize the
12:41PM 5 chats here?
12:41PM 6 A Yeah, I recognize the chats.
12:41PM 7 Q Okay. So do you see under -- next to number -- number 25,
12:41PM 8 native messages, the next column over, do you see that phone
12:41PM 9 number (808) 292-1555 --
12:41PM 10 A Yeah.
12:42PM 11 Q -- and White is the owner? Were you White or did you know
12:42PM 12 somebody else to be White?
12:42PM 13 A No, that wasn't me.
12:42PM 14 Q So the message "We going Sunday" on July 19, 2014, does
12:42PM 15 that coincide with you getting ready to go on your trip to LA?
12:42PM 16 A Yes.
12:42PM 17 MR. INCIONG: Can we scroll up then.
12:42PM 18 BY MR. INCIONG:
12:42PM 19 Q There's two in particular I want you to look at.
12:42PM 20 MR. INCIONG: We can keep going. Keep going.
12:42PM 21 You can keep going. Okay. If you can roll back down.
12:42PM 22 BY MR. INCIONG:
12:42PM 23 Q Okay. So you see this text message right here?
12:42PM 24 A Yes.
12:42PM 25 Q Number 13. This is a message sent by White, the owner of

12:43PM 1 this phone. It says: "Shoulda have just sent it."

12:43PM 2 A Okay. So this is Mike B.'s phone right here.

12:43PM 3 Q Okay.

12:43PM 4 A And he's telling me -- when he says "Shoulda just sent

12:43PM 5 it," he wanted to send the money to LA instead of us carrying

12:43PM 6 it up. So we're talking in person and everything like that,

12:43PM 7 but he's -- he's telling me we should have just sent it up.

12:43PM 8 Q This is reference to when you were explaining before the

12:43PM 9 conversation you had where he wanted to mail it and you wanted

12:43PM 10 to carry it?

12:43PM 11 A Yes.

12:43PM 12 Q Okay. There's one other text message I want to have you

12:43PM 13 look at then.

12:43PM 14 MR. INCIONG: Keep going up. Stop right there.

12:43PM 15 BY MR. INCIONG:

12:43PM 16 Q So this one again is sent by White, the owner of this --

12:43PM 17 this phone, saying: "I get more den' you."

12:43PM 18 I'm sorry, this is an incoming. My mistake. This is

12:43PM 19 incoming message to White --

12:43PM 20 A Yes.

12:43PM 21 Q -- to Michael Buntenbah.

12:43PM 22 A Yeah.

12:43PM 23 Q Did you send that message?

12:43PM 24 A Yes.

12:43PM 25 Q And what did you mean by that?

12:43PM 1 A Like I was carrying more money than him.

12:44PM 2 Q Why did that matter?

12:44PM 3 A Because he was -- like he was adamant about sending 'em

12:44PM 4 up, and I was telling him like I carrying more than -- more

12:44PM 5 than you. Like he wanted to send, he never like go -- he never

12:44PM 6 like go, but I told him, I said, We gotta go because I gotta

12:44PM 7 talk -- I gotta talk to them in person, you know.

12:44PM 8 Q Okay.

12:44PM 9 MR. INCIONG: All right. We can take Exhibit 13 --

12:44PM 10 7-13-D down, please. And then the last -- second to last one,

12:44PM 11 I should say, in this series, 7-14-C, as in Charles.

12:44PM 12 BY MR. INCIONG:

12:44PM 13 Q Do you see that exhibit, Mr. Miller?

12:44PM 14 A Yes.

12:44PM 15 Q Have you seen that prior to coming to court today?

12:44PM 16 A Yes.

12:44PM 17 Q Did you recognize this as the contacts list in one of the

12:44PM 18 phones that was seized from you in Los Angeles in July of 2014?

12:44PM 19 A Yes.

12:44PM 20 MR. INCIONG: Your Honor, I would move to admit

12:44PM 21 7-14-C. This has also been stipulated to as far as foundation.

12:45PM 22 THE COURT: All right. Mr. Kennedy?

12:45PM 23 MR. KENNEDY: Is it just one page, Counsel, or two?

12:45PM 24 MR. INCIONG: It is one page.

12:45PM 25 THE COURT: No, two pages.

12:45PM 1 MR. INCIONG: I'm sorry. Two pages.

12:45PM 2 MR. KENNEDY: No objection.

12:45PM 3 THE COURT: Without objection, 7-14-Charlie is

12:45PM 4 admitted. You may publish.

12:45PM 5 (Exhibit 7-14-C was received in evidence.)

12:45PM 6 MR. INCIONG: Thank you, Your Honor.

12:45PM 7 So if we can start at box number 1.

12:45PM 8 BY MR. INCIONG:

12:45PM 9 Q This is contact number 1 listed in your phone, Arod?

12:45PM 10 A Yes.

12:45PM 11 Q Is that one of the people you were communicating with in

12:45PM 12 setting up the -- the drug deal that you were going to meet

12:45PM 13 with here in Hawaii?

12:45PM 14 A Yes.

12:45PM 15 MR. INCIONG: Could we go down to number 2.

12:45PM 16 BY MR. INCIONG:

12:45PM 17 Q That's the same contact name, correct?

12:45PM 18 A Yes.

12:45PM 19 MR. INCIONG: Okay. Keep going down. Keep going to

12:45PM 20 number 4, please.

12:45PM 21 BY MR. INCIONG:

12:46PM 22 Q So this is a different contact name, that's just the

12:46PM 23 letter E. Do you see that?

12:46PM 24 A Yes.

12:46PM 25 Q Is that another one of the --

12:46PM 1 A One of the Mexicans, yeah.

12:46PM 2 MR. INCIONG: Okay. Keep going. One down, please.

12:46PM 3 BY MR. INCIONG:

12:46PM 4 Q Okay. Number 7, do you see the name Gomez?

12:46PM 5 A Yes.

12:46PM 6 Q Do you recognize that as another one of the individuals

12:46PM 7 you were discussing the cocaine deal with?

12:46PM 8 A Yes.

12:46PM 9 MR. INCIONG: One down, please.

12:46PM 10 BY MR. INCIONG:

12:46PM 11 Q Okay. And Gomez, that's the same -- the same name,

12:46PM 12 correct?

12:46PM 13 A Yes.

12:46PM 14 Q Now, you've mentioned before that you had different phones

12:46PM 15 to talk to different people, right?

12:46PM 16 A Yes.

12:46PM 17 Q So what was this particular phone used for? Who were you

12:46PM 18 talking to with this phone?

12:46PM 19 A Just the -- just the Mexicans in this one.

12:46PM 20 Q Only them, nobody else?

12:46PM 21 A Yeah.

12:46PM 22 Q So you had that phone specifically for that purpose?

12:46PM 23 A Yes.

12:46PM 24 Q Okay. All right. So the last exhibit I want you to look

12:47PM 25 at in this chain, Mr. Miller, is Exhibit 7-14-D, as in dog.

12:47PM 1 And We can scroll down if you need to see it all, but
12:47PM 2 have you seen this chain of text messages prior to coming to
12:47PM 3 court today?

12:47PM 4 A Yes.

12:47PM 5 Q Do you recognize it as being your chat conversations with
12:47PM 6 these individuals you just identified in 7-14-C in preparing
12:47PM 7 your discussions or this LA coke deal?

12:47PM 8 A Yes.

12:47PM 9 MR. INCIONG: Your Honor, I would move to admit
12:47PM 10 7-14-D, which the foundation and authenticity has been
12:47PM 11 stipulated to by the parties.

12:47PM 12 THE COURT: Mr. Kennedy, any objection?

12:47PM 13 MR. KENNEDY: If we could just go back to the first
12:47PM 14 page, Your Honor.

12:47PM 15 THE COURT: Yes. It's a 13-page document.

12:47PM 16 MR. KENNEDY: No objection.

12:47PM 17 THE COURT: Without objection, 7-14-Delta is admitted.

12:48PM 18 You may publish.

12:48PM 19 (Exhibit 7-14-D was received in evidence.)

12:48PM 20 MR. INCIONG: Thank you, Your Honor. Thank you.

12:48PM 21 BY MR. INCIONG:

12:48PM 22 Q So, Mr. Miller, this is a -- there are quite a few
12:48PM 23 messages here. We don't need to go through all of them, I
12:48PM 24 don't believe, but if we can start at the bottom and again
12:48PM 25 going in chronological order.

12:48PM 1 So this is a message -- outgoing message that you sent
12:48PM 2 on July 17, 2014, saying: "I'll pay everything."
12:48PM 3 A Yes.
12:48PM 4 Q So that was -- that was the deal you had or you offered to
12:48PM 5 the people from California?
12:48PM 6 A Yes.
12:48PM 7 MR. INCIONG: Okay. So if we can just scroll up.
12:48PM 8 BY MR. INCIONG:
12:48PM 9 Q Then you say: "We can straighten everything out first."
12:48PM 10 A Yes.
12:48PM 11 Q Do you recall sending that message?
12:48PM 12 A Yes.
12:48PM 13 Q What did you mean by that?
12:48PM 14 A Straighten out everything that -- that we was going do --
12:48PM 15 that we was planning on doing on the coke deal.
12:48PM 16 Q So the negotiations basically?
12:48PM 17 A Yeah.
12:48PM 18 Q All right. "Chill out and talk."
12:48PM 19 A Yes.
12:49PM 20 Q So that's what you meant by that, just more negotiating?
12:49PM 21 A Yes.
12:49PM 22 Q Okay. This is a message that you send that same day:
12:49PM 23 "Come out tomorrow night and head back by Monday."
12:49PM 24 A Yes.
12:49PM 25 Q So it was going to be a quick trip for the weekend?

12:49PM 1 A Mm-hmm.

12:49PM 2 Q Was your plan then to follow them fairly quickly after --

12:49PM 3 A Yeah.

12:49PM 4 Q -- and go to LA to meet them? Yes?

12:49PM 5 A Yes.

12:49PM 6 MR. INCIONG: All right. You can keep going up. Keep

12:49PM 7 scrolling up. So we can stop here.

12:49PM 8 BY MR. INCIONG:

12:49PM 9 Q So this is an incoming message that you received on

12:49PM 10 July 17th at about 9:50 in the morning, and the message is:

12:49PM 11 "Yeah, we down, Bro. How will this work out?"

12:49PM 12 A Yes.

12:49PM 13 Q So are you talking about how you guys will meet or are you

12:49PM 14 talking about how the negotiation will go --

12:49PM 15 A Yeah.

12:49PM 16 Q -- as far as the terms?

12:49PM 17 A Yeah, how everything will go down.

12:50PM 18 MR. INCIONG: All right. We can keep scrolling up

12:50PM 19 then.

12:50PM 20 BY MR. INCIONG:

12:50PM 21 Q So you respond to that message saying: "Set things up

12:50PM 22 right so we can come to an agreement on everything, and I'll

12:50PM 23 head back with you guys."

12:50PM 24 A Yes.

12:50PM 25 Q So that was the plan?

12:50PM 1 A Yes.

12:50PM 2 Q Is that what happened?

12:50PM 3 A No, not -- not immediately with them.

12:50PM 4 Q So you went back -- you went to LA a couple of days later.

12:50PM 5 A Yes.

12:50PM 6 MR. INCIONG: All right. You can scroll up, please.

12:50PM 7 THE WITNESS: But the thing was rolling, you know,

12:50PM 8 like the plan was going. So when they came down, everything

12:50PM 9 was -- everything ready to go.

12:50PM 10 BY MR. INCIONG:

12:50PM 11 Q Okay. All right. So this is -- if you look at message

12:50PM 12 54, so you're -- then are you telling them there that basically

12:50PM 13 you'll make the arrangements for their travel and so forth?

12:50PM 14 A Yes.

12:50PM 15 MR. INCIONG: So you can scroll up.

12:50PM 16 BY MR. INCIONG:

12:50PM 17 Q So this is just back and forth --

12:50PM 18 A Yes.

12:50PM 19 Q -- finalizing the arrangements?

12:51PM 20 A Yes.

12:51PM 21 MR. INCIONG: Okay. Keep going, please. Keep going.

12:51PM 22 You can keep going. So stop here.

12:51PM 23 BY MR. INCIONG:

12:51PM 24 Q So this is an incoming message you received. Still on

12:51PM 25 July 17th, now this is 10:27 p.m., with a name and a date of

12:51PM 1 birth.

12:51PM 2 A Yeah.

12:51PM 3 Q Do you see that, Jorge Aaron Sandoval --

12:51PM 4 A Yes.

12:51PM 5 Q -- and the date of birth?

12:51PM 6 A Yes.

12:51PM 7 Q Was that for the flight arrangements?

12:51PM 8 A Yes. That's one of the Mexicans that came down to meet.

12:51PM 9 Q

12:51PM 10 MR. INCIONG: So keep going up, please.

12:51PM 11 BY MR. INCIONG:

12:51PM 12 Q Okay. There's another name and date of birth in message

12:51PM 13 46.

12:51PM 14 A Yes.

12:51PM 15 Q Same purpose?

12:51PM 16 A Yes.

12:51PM 17 MR. INCIONG: Okay. Keep going up, please. Keep

12:52PM 18 going. Keep going. Keep going.

12:52PM 19 BY MR. INCIONG:

12:52PM 20 Q Oh, if you stop here, this message 37, is that another

12:52PM 21 confirmation number?

12:52PM 22 A Yes.

12:52PM 23 Q So this is all just flight arrangements being finalized?

12:52PM 24 A Yes.

12:52PM 25 MR. INCIONG: Keep going, please.

12:52PM 1 BY MR. INCIONG:

12:52PM 2 Q There you're telling them on message 35 Hawaiian Airlines?

12:52PM 3 A Yes.

12:52PM 4 Q So was Starlynn Kuuana helping you with these

12:52PM 5 reservations?

12:52PM 6 A Yes.

12:52PM 7 MR. INCIONG: Okay. Keep going. Keep going. Keep

12:52PM 8 going.

12:52PM 9 BY MR. INCIONG:

12:53PM 10 Q Okay. So message 29, you get an incoming message there

12:53PM 11 on -- still on the 17th of July, just before midnight, and it

12:53PM 12 says basically the name is spelled wrong, correct?

12:53PM 13 A Yes.

12:53PM 14 Q So did you have to change the reservation?

12:53PM 15 A I don't think needed to.

12:53PM 16 Q Okay. So we go up to the next message, and do you see

12:53PM 17 that?

12:53PM 18 A Yeah.

12:53PM 19 Q You say: "I'll have her change it right now."

12:53PM 20 A Yes.

12:53PM 21 Q Who is "her"?

12:53PM 22 A Star.

12:53PM 23 Q Starlynn Kuuana?

12:53PM 24 A Yes.

12:53PM 25 MR. INCIONG: Okay. Keep going up, please. Keep

12:53PM 1 going up.

12:53PM 2 BY MR. INCIONG:

12:53PM 3 Q Okay. So on message 25, you get an incoming message on

12:53PM 4 the next day, July 18th, 2014, and says: "We about to land."

12:54PM 5 Were you meeting them at the airport?

12:54PM 6 A Yes.

12:54PM 7 MR. INCIONG: Okay. You can scroll up.

12:54PM 8 BY MR. INCIONG:

12:54PM 9 Q You reply in message 24: "Early, Bro."

12:54PM 10 A Yes.

12:54PM 11 MR. INCIONG: Okay. Keep scrolling up.

12:54PM 12 BY MR. INCIONG:

12:54PM 13 Q So on the 18th there at 2:24 p.m., you send a message:

12:54PM 14 "I'll be there about 20 minutes."

12:54PM 15 A Yes.

12:54PM 16 Q So you were on your way to pick them up?

12:54PM 17 A Yes.

12:54PM 18 MR. INCIONG: All right. Keep going up.

12:54PM 19 BY MR. INCIONG:

12:54PM 20 Q And then you get a message at -- at 2:27 p.m. saying:

12:54PM 21 "Just landed in paradise."

12:54PM 22 A Yes.

12:54PM 23 Q So did you pick them up at the airport?

12:54PM 24 A Yes.

12:54PM 25 Q And then you had the meeting?

12:54PM 1 A Yes.

12:54PM 2 Q And that set everything in motion?

12:54PM 3 A Everything in motion right there.

12:54PM 4 Q Okay.

12:54PM 5 MR. INCIONG: All right. You can take that down.

12:54PM 6 Thank you.

12:54PM 7 BY MR. INCIONG:

12:54PM 8 Q All right. So before we got into the contents that were

12:54PM 9 on the phone, you described the first meeting you had with

12:55PM 10 Mr. Miske in Keolu Hills where you were out walking around, and

12:55PM 11 you said that's when you knew --

12:55PM 12 A This was after -- after --

12:55PM 13 Q Right, after you -- I'm fast-forwarding now to after you

12:55PM 14 had gotten released, after your arrest you flew back to Hawaii.

12:55PM 15 A Yes.

12:55PM 16 Q You said the first person you contacted after you got back

12:55PM 17 was Mr. Miske, right?

12:55PM 18 A I don't know if he was the first person I contacted. But

12:55PM 19 I contacted him as soon as I got back.

12:55PM 20 Q Okay. You met him in Keolu Hills?

12:55PM 21 A Met him in Keolu Hills.

12:55PM 22 Q You said you knew he was worried when he was looking in

12:55PM 23 cars?

12:55PM 24 A Yes.

12:55PM 25 Q Okay. What -- what did you believe he was worried about?

12:55PM 1 A I mean, when I -- when I was telling him the story, he was
12:55PM 2 trying to -- he was trying to register at first, you know. I
12:55PM 3 know he was trying -- he was thinking like, like I ripped him
12:55PM 4 off or -- you know. But he was -- he was trying to calm me
12:55PM 5 down at that point, and he said, That's only money. You know.
12:55PM 6 Q But at that point Mr. Miske is out a lot of money?
12:56PM 7 A Huh? Yeah.
12:56PM 8 Q Like \$300,000 or so, correct?
12:56PM 9 A Yep.
12:56PM 10 Q Okay. Was there anything else he was concerned about that
12:56PM 11 he relayed to you?
12:56PM 12 A Well, he thought I was setting him up, you know.
12:56PM 13 Q So what do you mean by "setting him up"?
12:56PM 14 A Like -- like this happened, and he thought I was trying to
12:56PM 15 set him up, you know. I know -- I knew that was going through
12:56PM 16 his head because I said -- he was -- when he was -- when we was
12:56PM 17 walking through Keolu Hills, after we got out of his truck, he
12:56PM 18 started looking in cars and stuff like that, you know. So I
12:56PM 19 was -- I was looking, I was like, damn, this guy -- he thinks
12:56PM 20 I'm trying to set him up because this just happened.
12:56PM 21 Q "Setting him up" meaning cooperating with law enforcement?
12:56PM 22 A Yes. Yeah.
12:56PM 23 Q So anything else that he did to determine if you were
12:56PM 24 cooperating with law enforcement or not?
12:56PM 25 A I can't -- I can't remember at the time. It was that

12:56PM 1 night you talking about?

12:56PM 2 Q Okay. Well, take us -- take me through. You were there.

12:56PM 3 So how does that conversation go that evening? You're walking

12:57PM 4 around, and what are you talking about?

12:57PM 5 A We're walking around, we're talking about -- well, he

12:57PM 6 just -- he just expressing his concern, but he -- I know it was

12:57PM 7 going through his head because he -- his actions is doing other

12:57PM 8 things. Like he going through, he looking at cars and stuff

12:57PM 9 like that, and he's doubting that this -- that this happened,

12:57PM 10 you know. So, yeah.

12:57PM 11 Q So did you ever meet with Mr. Miske and anyone else to

12:57PM 12 discuss this further?

12:57PM 13 A Yes.

12:57PM 14 Q Who?

12:57PM 15 A I met with -- I met with Tommy Otake after within the

12:57PM 16 next -- within the next few days after that.

12:57PM 17 Q Who is Tommy Otake?

12:57PM 18 A That was Miske's lawyer.

12:57PM 19 Q Who set this meeting up?

12:57PM 20 A Miske.

12:57PM 21 Q And how did you -- how did you find out about it?

12:57PM 22 A Oh, I never know he was setting 'em up. We was just -- he

12:57PM 23 told me for come meet him one day. I forget where we met. It

12:57PM 24 might have been at the shop or whatever. But he told me go

12:57PM 25 check out Tommy, you know.

12:58PM 1 Q Did you know who he meant when he said, Go check out
12:58PM 2 Tommy?
12:58PM 3 A Yeah.
12:58PM 4 Q Did you know what -- or why you were meeting Tommy?
12:58PM 5 A Yeah.
12:58PM 6 Q Why?
12:58PM 7 A For talk about this -- this -- what just went down.
12:58PM 8 Q Had you ever met Mr. Otake before?
12:58PM 9 A Yes.
12:58PM 10 Q In what context?
12:58PM 11 A In what context? Like he --
12:58PM 12 Q Where had you met him before?
12:58PM 13 A It was around. Tommy was -- you know, Tommy used to come
12:58PM 14 around. I don't know if I met him at his office. Miske used
12:58PM 15 to go there -- he used to go there a lot.
12:58PM 16 Q Okay. So where did you meet with Mr. Otake?
12:58PM 17 A We met at a -- at a school in Waikiki. So when we -- by
12:58PM 18 the time we got there, Tommy was already -- he was already
12:58PM 19 parked there standing outside of his truck already.
12:58PM 20 Q So what kind of school in Waikiki was this?
12:58PM 21 A One school in Waikiki, it was like an elementary school or
12:58PM 22 something like that.
12:58PM 23 Q So you didn't go to Mr. Otake's office?
12:59PM 24 A No.
12:59PM 25 Q Do you know why the meeting was at the school?

12:59PM 1 A I don't know. I don't know why it was at the school, but
12:59PM 2 I wasn't thinking nothing at the time. But we just -- I
12:59PM 3 remember pulling up, and -- and then Miske was, Hey, we meet
12:59PM 4 Tommy, we'll talk to Tommy about this.

12:59PM 5 Then pulled up, we parked. Tommy was parked, he was
12:59PM 6 outside of his truck already, like walking around underneath
12:59PM 7 the banyan tree. Then we pulled up over there, and he was
12:59PM 8 like, Hey, tell him -- tell him what happened. Miske was like,
12:59PM 9 Hey, tell him what happened.

12:59PM 10 You know, because -- because leading up to this, even
12:59PM 11 Miske was kind of doubting me, like -- like in this couple of
12:59PM 12 days from when it happened, I got back to when we met Tommy, in
12:59PM 13 those days he always -- he always used to be like, You
12:59PM 14 sure this -- you know, you sure this fucking happened? Like he
12:59PM 15 would just throw shots at me like that.

12:59PM 16 Q So he was asking you specifically if it really happened
12:59PM 17 how you said it?

12:59PM 18 A Yeah, yeah. I was kind of -- like I was like -- I was
01:00PM 19 getting offended at the time, you know, because I wasn't -- I
01:00PM 20 never have any reason for him to doubt me at that time.

01:00PM 21 Q So what was the purpose of Mr. Otake hearing your story?

01:00PM 22 A Oh, for see if something like that really wen' happen.

01:00PM 23 And like -- like if they would really let me go, you know.

01:00PM 24 Q So did you tell Mr. Otake the story that -- basically what
01:00PM 25 you told this jury a little bit ago?

01:00PM 1 A Yeah, I cannot remember the exact words that I told Tommy,
01:00PM 2 but I told him the story of what happened, you know, and mainly
01:00PM 3 why they let me go and would they let me go if this had
01:00PM 4 happened.

01:00PM 5 Q And what was the -- what was Mr. Otake's reaction to
01:00PM 6 hearing that?

01:00PM 7 A I mean, he took -- he was shocked too. He was -- I would
01:00PM 8 say he was shocked when I was telling him what happened, and
01:00PM 9 the fact that they let -- that they let me go, he was -- he was
01:00PM 10 kind of shocked, you know. He took 'em in and gave me -- we
01:01PM 11 was talking, but the clear thing that -- that the point got
01:01PM 12 across to me was -- was, Hey, if anybody come talk to you,
01:01PM 13 don't -- don't tell them nothing. Just tell them I'm your
01:01PM 14 attorney, you know, like that.

01:01PM 15 Q So let me have you look at Exhibit 7-17, please.

01:01PM 16 Do you see that exhibit, Mr. Miller?

01:01PM 17 A Yes.

01:01PM 18 Q Do you recognize what's shown in that map, that area?

01:01PM 19 A Yes. Monsarrat, Kapahulu. The zoo right there.

01:01PM 20 Q Okay. So it's part of Waikiki area?

01:01PM 21 A Yes.

01:01PM 22 Q Does that accurately show that area as you know it?

01:01PM 23 A Yes.

01:01PM 24 MR. INCIONG: Your Honor, I would move to admit
01:01PM 25 Exhibit 7-17 at this time.

01:01PM 1 THE COURT: Any objection?

01:01PM 2 MR. KENNEDY: No objection.

01:01PM 3 THE COURT: Without objection, 7-17 is admitted. You

01:01PM 4 may publish.

01:01PM 5 (Exhibit 7-17 was received in evidence.)

01:02PM 6 MR. INCIONG: Thank you, Your Honor.

01:02PM 7 BY MR. INCIONG:

01:02PM 8 Q So the -- that's the area of Waikiki. Like you said, the

01:02PM 9 zoo. Do you see Kapahulu Avenue there?

01:02PM 10 A Yes.

01:02PM 11 Q Could you just draw an X or line to indicate where that

01:02PM 12 is.

01:02PM 13 A (Witness complies.)

01:02PM 14 Q Okay. Is this in the area, the vicinity of where you met

01:02PM 15 with Mr. Miske and Mr. Otake?

01:02PM 16 A Yes.

01:02PM 17 Q Do you see that -- the red dot there that's next to Thomas

01:02PM 18 Jefferson Elementary School?

01:02PM 19 A Yes.

01:02PM 20 Q Is that the elementary school that you met at?

01:02PM 21 A I'm not sure, but I'm pretty sure it was that one, you

01:02PM 22 know, because I remember pulling into the school because it

01:02PM 23 caught me off guard, you know, when we was going over there.

01:02PM 24 He never tell me we was going to see Tommy until we was

01:02PM 25 actually seeing Tommy. You know.

01:02PM 1 Q And this meeting was held in the parking lot of the --
01:02PM 2 A In the parking lot, yeah. I remember we had one big
01:02PM 3 banyan tree, and we pulled up right there, and Tommy was
01:02PM 4 already waiting for us.
01:02PM 5 Q Okay. Well, let me show you Exhibit 7-23, see if you
01:03PM 6 recognize that.
01:03PM 7 Do you see that exhibit?
01:03PM 8 A Yes.
01:03PM 9 Q Do you recognize that?
01:03PM 10 A Yes.
01:03PM 11 Q Is this basically like a Google Earth view of the map that
01:03PM 12 you were just looking at but close --
01:03PM 13 A Yes.
01:03PM 14 Q Okay. You mentioned a banyan tree that you recall.
01:03PM 15 A Yes.
01:03PM 16 Q Does that banyan tree look to be in the same location as
01:03PM 17 the one you recall?
01:03PM 18 A Yeah. Right. Boom.
01:03PM 19 Q Okay. So does this photo accurately show that area that
01:03PM 20 you believe you met with Mr. Otake --
01:03PM 21 A Yeah.
01:03PM 22 Q -- when he got back you got back from LA?
01:03PM 23 A Yeah, I'm pretty sure that's where -- that's where it was.
01:03PM 24 MR. INCIONG: Your Honor, I'd move to admit 7-23.
01:03PM 25 THE COURT: Any objection?

01:03PM 1 MR. KENNEDY: No objection.

01:03PM 2 THE COURT: 7-23 is admitted without objection. You

01:03PM 3 may publish.

01:03PM 4 (Exhibit 7-23 was received in evidence.)

01:03PM 5 MR. INCIONG: Thank you, Your Honor.

01:03PM 6 BY MR. INCIONG:

01:03PM 7 Q So, Mr. Miller, you circled the -- is that the banyan tree

01:04PM 8 that you recall being in the middle of the parking lot?

01:04PM 9 A Yes.

01:04PM 10 Q So this is the parking lot right along Kapahulu Avenue --

01:04PM 11 A Yes.

01:04PM 12 Q -- where you met with Mr. Otake?

01:04PM 13 A Yes.

01:04PM 14 Q Okay. So how long would you say this meeting took? How

01:04PM 15 long were you there talking to him?

01:04PM 16 A I would give an estimate maybe -- maybe half an hour.

01:04PM 17 Q Was Mr. Otake asking you questions about what had

01:04PM 18 happened?

01:04PM 19 A Yeah, we was -- I mean we was talking about the -- we was

01:04PM 20 talking about 'em. I no remember the words, but I know we was

01:04PM 21 talking about 'em, and he was asking me questions and I was

01:04PM 22 giving him the -- the feedback, but -- yeah, the main thing we

01:04PM 23 discussed at the end was -- was like when Miske told me, Hey

01:04PM 24 you heard him, right? If anybody -- if anything happen, tell

01:04PM 25 'em Tommy is your -- you don't even got to tell them your name,

01:04PM 1 you know. Like he always used to tell me that kind of stuff.

01:04PM 2 Q So who is telling you this?

01:04PM 3 A Miske.

01:04PM 4 Q Was that the only time you met with Mr. Otake, to discuss

01:05PM 5 this incident in Los Angeles?

01:05PM 6 A No, I know I met -- I know I met him more, but I cannot --

01:05PM 7 I don't recall. At least one more time it was.

01:05PM 8 Q Was there anything different or additional discussed at

01:05PM 9 the other meetings?

01:05PM 10 A I no remember.

01:05PM 11 Q So after that meeting, did Mr. Miske continue to be

01:05PM 12 skeptical of your story or was he satisfied at that point?

01:05PM 13 A I know he was skeptical, but he wasn't -- you know, he

01:05PM 14 wasn't -- he wasn't acting out of the ordinary. You know,

01:05PM 15 after that -- after that meeting we started talking about -- we

01:05PM 16 still in the same couple days after that meeting. So we start

01:05PM 17 talking about -- about how we get his money back. You know,

01:05PM 18 they -- you know, he felt calm already. He was -- I never got

01:05PM 19 arrested, we went talk to Tommy. I was -- I was still coming

01:05PM 20 around. I was there every day at this -- not every day, but I

01:06PM 21 was there a lot at his shop with him. We eating at night.

01:06PM 22 So...

01:06PM 23 Q So what do you mean by you said you were talking about how

01:06PM 24 to get his money back?

01:06PM 25 A We talking -- okay. So in that time frame, in that couple

01:06PM 1 days that we talked to Tommy or whatever, I meet him at the
01:06PM 2 Honolulu Club parking lot, and we pull up in the parking lot,
01:06PM 3 we talking. And we talking about how I told him that -- that
01:06PM 4 Sammy was still -- was the one that was supposed to have done
01:06PM 5 the deal. Like Sammy was a part of the deal, but he wasn't
01:06PM 6 aware -- Sammy wasn't aware that -- that the deal went bad up
01:06PM 7 there already.

01:06PM 8 So we started talking about like, Hey, fuck him, tell
01:06PM 9 him -- tell him -- just go over there like the deal was still
01:06PM 10 being set up. You know, like the thing was still going down.

01:06PM 11 Q Who said that?

01:06PM 12 A Miske.

01:06PM 13 Q Okay. So tell him the deal was still going down?

01:07PM 14 A Yeah, because he never know -- Sammy never know what
01:07PM 15 happened, I was freed. All of this happened in LA. Sammy was
01:07PM 16 down here still, he never know what was going on.

01:07PM 17 Q Okay. So what was the purpose of telling Sammy that
01:07PM 18 nothing happened, the deal was still going on?

01:07PM 19 A Yeah, just for get the money back. He was like, Hey, tell
01:07PM 20 Sammy the deal is still going down, and his deal is still going
01:07PM 21 down. He don't know that we got arrested and let go and
01:07PM 22 everything like that. So tell Sammy this deal is going down,
01:07PM 23 get the money, tell him, Hey, everything is still good, grab
01:07PM 24 the money from him and give 'em back to me.

01:07PM 25 Q Give it back to Mr. Miske?

01:07PM 1 A Yes.

01:07PM 2 Q So what were you going to tell Mr. Kuuana then after he

01:07PM 3 didn't get any drugs in return for that money?

01:07PM 4 A No, like Miske used to tell me, brah, fuck him. He

01:07PM 5 used -- I like burn him on the club, you know what I mean. He

01:07PM 6 not going do nothing.

01:07PM 7 Q So this was basically his idea to get his money back?

01:07PM 8 A Yeah. That was his idea for get -- for get his money

01:08PM 9 back, yeah. Call Sammy.

01:08PM 10 Q Did you contact Mr. Kuuana?

01:08PM 11 A Yes.

01:08PM 12 Q Did you tell him, Hey, the deal is good, I need your

01:08PM 13 money?

01:08PM 14 A Yes.

01:08PM 15 Q Did he give you the money?

01:08PM 16 A Yes.

01:08PM 17 Q How much money did he give you?

01:08PM 18 A A lot. Over -- over 300, you know.

01:08PM 19 Q 300,000?

01:08PM 20 A Yeah.

01:08PM 21 Q How did you get that money?

01:08PM 22 A He gave 'em to me. I told him that everything was set up,

01:08PM 23 like the deal going, let me get the money. And I was still a

01:08PM 24 trusted person at that point. So...

01:08PM 25 Q What did you do with the money?

01:08PM 1 A I gave 'em to Miske.

01:08PM 2 Q Where?

01:08PM 3 A So I -- okay. Going back to Sammy, I tell him, Hey, the

01:08PM 4 deal is still going on. After I'm talking to Miske, I go see

01:08PM 5 Sammy, telling him everything is going on. Sammy, that night

01:08PM 6 he goes and grabs the money from wherever it's at, he gives the

01:08PM 7 money to me.

01:08PM 8 So now I got to go and tell Sammy, Hey, I got ripped

01:08PM 9 off. You know, Sammy was looking at me like, What? You know.

01:09PM 10 So I just told him, Hey, I got ripped off, your money is gone.

01:09PM 11 And I -- I never call him back after that. He was -- Sam was

01:09PM 12 getting ripped off all the time and he never do nothing. So at

01:09PM 13 least he took --

01:09PM 14 Q How much time passed after you got the money from Sammy

01:09PM 15 did you tell him you got ripped off and the money was gone?

01:09PM 16 A Few days. Maybe the next day.

01:09PM 17 Q Okay. So in the meantime, what do you do with the money?

01:09PM 18 A I'm holding -- I'm holding the money. At this point I got

01:09PM 19 the money now. So I go back to Miske and I tell him, wasn't --

01:09PM 20 maybe at his club or something like that, I tell him, Hey, I

01:09PM 21 got -- I got the scripts. You know. So that's money. And he

01:09PM 22 was like, You got 'em? I was like, Yeah. So he told me, Hey,

01:09PM 23 just hold it. Hold 'em, and I going -- I going tell you when

01:09PM 24 for -- for bring 'em. So...

01:09PM 25 Q So where did you hold the money?

01:10PM 1 A We had -- we had burner cars around, you know. So we had
01:10PM 2 cars that -- that we used to -- that we just parked all around
01:10PM 3 the -- the island, you know, in parking spots where different
01:10PM 4 cars park every day so people not going to notice.

01:10PM 5 Q When you say "a burner car," what do you mean by "a burner
01:10PM 6 car"?

01:10PM 7 A Like one burner phone, a car -- a disposable car. You
01:10PM 8 know, stuff -- to hold stuff in, stuff to follow people in.
01:10PM 9 It's not in your name, so you're not going to be able to trace
01:10PM 10 'em back to you.

01:10PM 11 Q Who acquired these burner cars?

01:10PM 12 A A lot of people, me, Kaulana Freitas, Jason Yokoyama.

01:10PM 13 Yeah.

01:10PM 14 Q Who was paying for the cars?

01:10PM 15 A Miske.

01:10PM 16 Q Were you aware --

01:10PM 17 A Oh, like -- I know when I would do 'em, like if I would
01:10PM 18 pay for 'em, he would give me the money back, whatever the
01:10PM 19 thing was, or he would give me the money before and I would go
01:10PM 20 grab 'em.

01:10PM 21 Q So you had these burner cars just parked at various
01:11PM 22 places?

01:11PM 23 A Yeah, all over the island. You know, some in Pearl City,
01:11PM 24 some in Makiki, some downtown.

01:11PM 25 Q How was it kept track of where these cars were?

01:11PM 1 A I mean I already -- I knew where the thing was. I knew
01:11PM 2 where all the cars was.
01:11PM 3 Q Okay.
01:11PM 4 A The ones that I wen' park, I know where the thing was. Or
01:11PM 5 if like Jason was dropping 'em off to me, I would be the one
01:11PM 6 parking 'em.
01:11PM 7 Q Okay. So you were told to hold the money in one of these
01:11PM 8 burner cars?
01:11PM 9 A Yes.
01:11PM 10 Q That's parked on the road?
01:11PM 11 A Yes.
01:11PM 12 Q You weren't concerned that the money would be stolen?
01:11PM 13 A Well, I know one of -- one of the cars was like one family
01:11PM 14 car, a family looking car, like almost like a van. So I
01:11PM 15 remember when we got -- when we got cars like that, had like
01:11PM 16 baby seats inside and had -- had like the "Baby on Board"
01:11PM 17 sticker -- not the sticker, but the little suction thing.
01:11PM 18 And he was like, Look, if you was trying to steal cars
01:11PM 19 and you seen baby seats and the little "Baby on Board," you
01:12PM 20 would break into this car and steal 'em? And I would be like,
01:12PM 21 That makes sense, you know. So --
01:12PM 22 Q You mean you would or you would not break into those cars?
01:12PM 23 A No, you wouldn't. You wouldn't -- you see one baby seat,
01:12PM 24 you're not going to get -- like if you're breaking into cars,
01:12PM 25 you're not going get people breaking into this car, you know, a

01:12PM 1 family looking car.

01:12PM 2 Q Okay.

01:12PM 3 A And -- yeah, so -- so we used to use those cars, like had

01:12PM 4 guns inside those cars and was parked all over the place.

01:12PM 5 Q You would store -- you would store guns in those cars?

01:12PM 6 A Yes.

01:12PM 7 Q Okay. So the "Baby on Board" suction cup thing, was that

01:12PM 8 something that was already in this car you're talking about?

01:12PM 9 A Yeah, yeah, it was in the car.

01:12PM 10 Q Did you ever place them in other cars?

01:12PM 11 A Yes.

01:12PM 12 Q At whose direction?

01:12PM 13 A Yeah, Miske used to tell me that's the -- like that's --

01:12PM 14 you're not going to look at those -- you know, if you going

01:12PM 15 steal one car, you're not -- you going to look for cars with

01:12PM 16 nice rims and -- if you going to steal one car and it get one

01:12PM 17 sticker like that and baby seat inside, you not going to break

01:12PM 18 into that car and lift 'em up and find guns, you know.

01:13PM 19 So I was living in Pearl City at that time, and one of

01:13PM 20 the those cars that we had, I had 'em parked on the street

01:13PM 21 where plenty cars parked, and that's where I was holding the --

01:13PM 22 the money at that time.

01:13PM 23 Q Okay.

01:13PM 24 A Waiting to -- waiting for his call to tell me, Hey, bring

01:13PM 25 it -- bring it over here.

01:13PM 1 Q Okay. Did he eventually call you and ask for it?

01:13PM 2 A Yes.

01:13PM 3 Q Approximately how much -- how long did you have to hold

01:13PM 4 the money for?

01:13PM 5 A If I got 'em that week, by that weekend I was already

01:13PM 6 meeting him to -- to pass the money on.

01:13PM 7 Q So how did you get the money to him specifically?

01:13PM 8 A I drove 'em down there. I drove --

01:13PM 9 Q Where is "down there"?

01:13PM 10 A So he called me up and he was like, Hey, let's go -- let's

01:13PM 11 go to the bay, ride skis. We went there often, so it wasn't

01:13PM 12 no -- wasn't no surprise. And he was like, Hey, bring that

01:13PM 13 down.

01:13PM 14 So I went down, I parked at the bay inside the parking

01:13PM 15 lot inside where the boats -- where the boats get launched at.

01:14PM 16 And I jump in with him, we go driving around, we stop at the

01:14PM 17 library, you know, Hawaii Kai Public Library that you can go

01:14PM 18 underneath. So we stop over there. Again, I'm thinking that

01:14PM 19 he's -- he's double-checking if anybody following us or not.

01:14PM 20 We stop over there, we park, we start talking. And we talking

01:14PM 21 about different shit, the thing is done, I got the money

01:14PM 22 already. It's in -- it's in the car waiting for him to grab

01:14PM 23 it.

01:14PM 24 We talking about other stuff, fueling up the jet skis,

01:14PM 25 buying some stuff from Zippy's and whatnot. And so in the time

01:14PM 1 that we talking, Jason Yokoyama pulls up, he communicating with
01:14PM 2 Miske. He pulls up to the boat ramp over there in that area,
01:14PM 3 and me and Miske -- like me and Miske pulls up over there, and
01:14PM 4 Miske tells me, Hey, give the money to -- give the money to
01:15PM 5 Jason.

01:15PM 6 Q Okay. So did you hand it to Jason or did you put it in
01:15PM 7 his car? Tell us how -- where the money went.

01:15PM 8 A Yeah, so Jason -- where I was parked at, Jason pulled up
01:15PM 9 next to me like that, he popped the trunk, I grabbed the money
01:15PM 10 out of my car, gave 'em to Jason. Jason -- him and Jason
01:15PM 11 walked away, started talking, and then Jason never stayed at
01:15PM 12 the bay with us. He left.

01:15PM 13 Q Okay. So is this the same bay, the beach area that you
01:15PM 14 would always go to for barbecues, jet skis, the same place?

01:15PM 15 A The parking lot area.

01:15PM 16 Q Okay. So the money was contained in what?

01:15PM 17 A That specific money had some loose money, but those
01:15PM 18 specific money was in FoodSaver bags, stacked up neat like
01:15PM 19 that, piled up like that.

01:15PM 20 Q Was this in a duffel bag, suitcase or --

01:16PM 21 A No, this is a -- this is a FoodSaver bag, just stacks of
01:16PM 22 \$100 bills all the way down.

01:16PM 23 Q Okay. And what was the -- what were the packages of money
01:16PM 24 contained in that you handed to Mr. Yokoyama?

01:16PM 25 A It was in a bag. I don't know what kind of bag, but I

01:16PM 1 gave it to him in a bag. But I remember that -- that money
01:16PM 2 because the thing was nicely -- everything was neat. Yeah.
01:16PM 3 Q Okay. All right. So was there any -- was that whole
01:16PM 4 cocaine LA thing done at that point?
01:16PM 5 A Yeah.
01:16PM 6 Q You didn't try to get that going again after what
01:16PM 7 happened?
01:16PM 8 A No, I was done -- I was done already. I was done.
01:16PM 9 Q Okay. So this is the summer of 2014, correct?
01:16PM 10 A Yes.
01:16PM 11 Q Fast-forward a couple of months in that year, did you have
01:16PM 12 a child later that year?
01:16PM 13 A Yes.
01:17PM 14 Q When was that?
01:17PM 15 A October 14th.
01:17PM 16 Q Is that your first child?
01:17PM 17 A Yes.
01:17PM 18 Q Are you working yet at the movies or anything like that
01:17PM 19 during this time?
01:17PM 20 A I might have -- I might have started around that time or a
01:17PM 21 little -- little bit after.
01:17PM 22 Q All right. Were there any other business ventures you had
01:17PM 23 gone into with Mr. Miske that you had partnered with him --
01:17PM 24 A Yeah.
01:17PM 25 Q -- in like legitimate business ventures?

01:17PM 1 A Yeah.

01:17PM 2 Q What was that?

01:17PM 3 A We was -- we was opening up -- we was going into a food

01:17PM 4 truck that we was supposed to do.

01:17PM 5 Q And what were you going to sell out of that food truck?

01:17PM 6 A Poke.

01:17PM 7 Q And whose idea was that?

01:17PM 8 A I think that was -- that was both of ours, but -- I was

01:17PM 9 talking to him about 'em, we was looking 'em up. My friend

01:17PM 10 that was doing 'em in the Big Island was -- he was like the

01:17PM 11 number one restaurant on -- on Yelp and stuff like that.

01:17PM 12 Q All right. So did that actually happen?

01:18PM 13 A Yeah, yeah, we did for a little while.

01:18PM 14 Q So who -- who bankrolled or funded the startup for the

01:18PM 15 business?

01:18PM 16 A Both of us.

01:18PM 17 Q Was it successful?

01:18PM 18 A No.

01:18PM 19 Q Were you involved at all really or --

01:18PM 20 A I mean just -- as far as the money, yeah, but that's about

01:18PM 21 it.

01:18PM 22 Q You weren't working in the -- making poke in the food

01:18PM 23 truck?

01:18PM 24 A No, no. No.

01:18PM 25 Q Okay. I want to take you -- kind of fast-forward a little

01:18PM 1 bit then to the next summer, summer of 2015. Did you have some
01:18PM 2 recurring or flare-ups with the medical issues that you
01:18PM 3 described earlier?
01:18PM 4 A Yes.
01:18PM 5 Q Okay. How did that come about or come to light?
01:18PM 6 A I was -- I went to see my doctor, just regular routine
01:18PM 7 checkup. They did some -- some CT scans, and the doctor said
01:18PM 8 that my -- parts of my aorta was -- was also tearing.
01:19PM 9 Q All right. Was the doctor able to -- or identify the
01:19PM 10 cause of this or at least have an idea?
01:19PM 11 A Yes.
01:19PM 12 Q And what was the diagnosis?
01:19PM 13 A I don't know. It sounded like it was Marfan's, you know,
01:19PM 14 but my --
01:19PM 15 THE COURT REPORTER: I'm sorry, it sounded like what?
01:19PM 16 Did you say Marfan's?
01:19PM 17 THE WITNESS: Yeah.
01:19PM 18 Q Do you know how to spell Marfan's?
01:19PM 19 A No.
01:19PM 20 Q Okay. Marfan's syndrome?
01:19PM 21 A Yeah. But she wasn't sure, though, that's why -- I never
01:19PM 22 really asked questions.
01:19PM 23 Q All right. Did you have follow-up testing to determine if
01:19PM 24 that was the case?
01:19PM 25 A Yeah.

01:19PM 1 Q Where did you go for that?
01:19PM 2 A I went -- I went to Texas.
01:19PM 3 Q And did it turn out that the diagnosis was accurate?
01:19PM 4 A Yeah.
01:19PM 5 Q What is Marfan's syndrome?
01:19PM 6 A I don't really know, but I know for me my aorta was
01:20PM 7 ripping, if that's describing that. I'm not a doctor.
01:20PM 8 Q Did you learn whether that was a hereditary condition?
01:20PM 9 A Yeah, could have been.
01:20PM 10 Q So was there recommended action that you take once that
01:20PM 11 was discovered?
01:20PM 12 A Yes.
01:20PM 13 Q What was that? What did you need to have done?
01:20PM 14 A Yeah, well, they -- in Houston, the doctor over there told
01:20PM 15 me that, Hey, we -- we can fix that, we can put a whole new
01:20PM 16 valve inside there from top to bottom, instead of just that
01:20PM 17 arch. Because he said in the -- it might not be right now, but
01:20PM 18 in the long run that going happen to you again, like your valve
01:20PM 19 going rip again.
01:20PM 20 Q All right. So did you have to make a couple of trips to
01:20PM 21 Texas for that?
01:20PM 22 A Yes.
01:20PM 23 Q Okay. The first was to get the confirmation --
01:20PM 24 A Yeah.
01:20PM 25 Q -- that you had Marfan's syndrome?

01:20PM 1 Did you schedule a surgery?

01:20PM 2 A Yes.

01:20PM 3 Q When was that surgery scheduled for?

01:20PM 4 A 2015.

01:21PM 5 Q What part of the year, do you remember?

01:21PM 6 A Later on in the year, November, December, around there.

01:21PM 7 Q Okay. So before you went back to Texas for that surgery,

01:21PM 8 was there a really serious car accident that you remember

01:21PM 9 hearing about?

01:21PM 10 A Yes.

01:21PM 11 Q Okay. Who was involved in that car accident?

01:21PM 12 A Caleb -- Caleb Miske, Mike's -- Mike's son, and -- and

01:21PM 13 Caleb's friend Jonathan Fraser.

01:21PM 14 Q How did you find out about the accident?

01:21PM 15 A Mike B. called me that -- that night of the accident,

01:21PM 16 Mike B. called me and said, Hey, I'm trying to get in touch --

01:21PM 17 trying to get in touch with Mike. Call him up and tell him his

01:21PM 18 son just got into an accident.

01:21PM 19 Q So Mike B. was saying he was trying to get in touch with

01:21PM 20 Mike Miske?

01:21PM 21 A Yeah, he's calling -- he's calling me -- I'm working at

01:21PM 22 that point, so I'm at home sleeping, and my phone just kept

01:21PM 23 ringing, ringing, ringing, so I picked it up and it was Mike B.

01:22PM 24 telling me that he was trying to get in touch with Miske

01:22PM 25 because his son just got into a big accident.

01:22PM 1 Q All right. Were you able to contact Mr. Miske?

01:22PM 2 A Yes.

01:22PM 3 Q And you told him what had happened?

01:22PM 4 A Yes. I told him Mike B. just called me and, you know, his

01:22PM 5 son had been taken to Queens Hospital.

01:22PM 6 Q What did you do next?

01:22PM 7 A I got ready, I put some clothes on, and I went down to the

01:22PM 8 hospital.

01:22PM 9 Q Was Mr. Miske there already?

01:22PM 10 A Yes.

01:22PM 11 Q Who else was there?

01:22PM 12 A Me, Miske, his brother Johnnie, and Russell Boy.

01:22PM 13 Q Who is Russell Boy?

01:22PM 14 A Russell Boy Moscato, that's one of Miske's good friends.

01:22PM 15 Q So could you tell was it a serious situation?

01:22PM 16 A Yeah. I mean they said he was -- he was in critical

01:22PM 17 condition at that time.

01:22PM 18 Q And when you say "he," who are you referring to?

01:22PM 19 A Caleb.

01:22PM 20 Q What about Jonathan Fraser?

01:22PM 21 A I don't think -- I don't think -- I don't know if I knew

01:23PM 22 anything about him that night.

01:23PM 23 Q Okay. All right. So did -- what was Mr. Miske's demeanor

01:23PM 24 during this time? I imagine he was very worried.

01:23PM 25 A Yeah. I mean, he was -- he was worried. He was worried.

01:23PM 1 He was trying to stay -- he was trying to stay positive, but I
01:23PM 2 mean, that's his only son, so he was worried, yeah.
01:23PM 3 Q Did -- did you receive any information while you were
01:23PM 4 there with Mr. Miske as to the circumstances, like how the
01:23PM 5 accident had happened or --
01:23PM 6 A I don't know -- I don't know if it was that night, you
01:23PM 7 know, that night that he was telling me that everything
01:23PM 8 happened or was because -- after that wen' happen, that initial
01:23PM 9 night I was there for a little while, I was there till late,
01:23PM 10 and I had to go work the next day. So I left that night, went
01:23PM 11 home, sleep, went to work, and then came right back to the
01:24PM 12 hospital. And pretty much did that every day until I left.
01:24PM 13 Q Okay. So Mr. Miske is there I'm assuming --
01:24PM 14 A Yes.
01:24PM 15 Q -- every time you're there?
01:24PM 16 A Every day.
01:24PM 17 Q Okay. Did you have any conversation with him as to the
01:24PM 18 cause of the accident during this time?
01:24PM 19 A Yes. So in -- in one of those days that I'm there, first
01:24PM 20 time he tells me about the accident. You know, he said --
01:24PM 21 Q And what did he tell you?
01:24PM 22 A He's telling me about the -- what the firemens told him.
01:24PM 23 He said the firemens -- he found out from a fireman or
01:24PM 24 something like that that the seatbelt was going the opposite
01:24PM 25 direction, your son wasn't the driver.

01:24PM 1 Q Okay.

01:24PM 2 A Yeah, so --

01:24PM 3 Q Did Mr. Miske believe that according to what he told you?

01:24PM 4 A Yes. Yeah, he was --

01:24PM 5 Q So if Mr. -- if Caleb was not the driver, then who was --

01:24PM 6 would've had to have been the driver?

01:24PM 7 A Yeah, he said Fraser was -- was the driver, but -- so in

01:25PM 8 those conversations when he was telling me that Fraser was the

01:25PM 9 driver, I guess the kid Fraser is now -- now getting released

01:25PM 10 already. You know, like he wasn't in bad condition. But

01:25PM 11 they're telling Miske that the seatbelt is going in the -- in

01:25PM 12 the direction that he was the passenger.

01:25PM 13 Q Did that seem to matter to Mr. Miske?

01:25PM 14 A Yeah.

01:25PM 15 Q Why?

01:25PM 16 A He said -- I mean he said -- like at that point he was --

01:25PM 17 he brought this up like maybe one time. Okay, like he was

01:25PM 18 like -- he was like, This kid left. He never even come visit

01:25PM 19 my son. You know, he's out there saying he wasn't the driver.

01:25PM 20 And that's when he brought up like, Hey, if something

01:25PM 21 happen to my son, this kid has gotta go. That's the first time

01:25PM 22 he brought 'em up, you know. And then when I say he gotta go,

01:25PM 23 like he wanted to kill him if something had happened to his

01:26PM 24 son.

01:26PM 25 Q You understood that's what he meant when he said, If

01:26PM 1 something happens to my son, the kid's gotta go?

01:26PM 2 A Yes.

01:26PM 3 Q The "kid" being Jonathan Fraser?

01:26PM 4 A Yes. Yes. Because like he's looking, like this kid is

01:26PM 5 still running around, he not even coming to visit my son. You

01:26PM 6 know what I mean, telling everybody he is not the driver. So

01:26PM 7 it was agitating him.

01:26PM 8 So in the beginning after those few conversations, he

01:26PM 9 never bring 'em up at all. You know, he was trying to -- he

01:26PM 10 was trying to stay positive as to like -- like, Hey, if there

01:26PM 11 is a God, you know what I mean, if you can help him out this

01:26PM 12 time.

01:26PM 13 Q Were you aware of whether this was a one-car accident or

01:26PM 14 whether it was a two-car accident? Did you know any of those

01:26PM 15 circumstances?

01:26PM 16 A Yeah, yeah, I heard about the -- like there was a car

01:26PM 17 accident, and they was going fast.

01:26PM 18 Q So it was a collision --

01:26PM 19 A It was a collision.

01:26PM 20 Q -- between two cars.

01:27PM 21 A Yeah.

01:27PM 22 Q Did Mr. Miske ever bring up the fact that the other driver

01:27PM 23 was at fault?

01:27PM 24 A No.

01:27PM 25 Q Did you ever hear the name Jared Ishiki?

01:27PM 1 A No.

01:27PM 2 Q Do you know who that is?

01:27PM 3 A No.

01:27PM 4 Q So how long is Caleb Miske in the hospital for?

01:27PM 5 A He's in for -- he's in there for a long time, from the

01:27PM 6 accident till he's -- till he passed away.

01:27PM 7 Q Okay. We'll get to that in a minute. But -- so this is

01:27PM 8 over a period of many months, several months?

01:27PM 9 A Yeah, I would -- I would say, yeah.

01:27PM 10 Q You said you had your surgery scheduled in Texas for later

01:27PM 11 that year.

01:27PM 12 A Yes.

01:27PM 13 Q Did you go and have that surgery?

01:27PM 14 A Yes.

01:27PM 15 Q Was Caleb Miske still in the hospital?

01:27PM 16 A Yes.

01:27PM 17 Q When you left for your surgery, what was Caleb Miske's

01:27PM 18 condition?

01:27PM 19 A He was -- he was still in bad shape. He was in bad shape.

01:27PM 20 I was there every day with them.

01:27PM 21 Q What kind of conversation would you have with Mr. Miske

01:28PM 22 regarding Caleb and his progress?

01:28PM 23 A I mean, he would give me updates, but when he was -- when

01:28PM 24 Caleb was fighting, he was trying to -- he was trying to stay

01:28PM 25 positive. Like he wasn't talking about -- he wasn't -- he

01:28PM 1 wasn't trying to put like some bad vibes towards -- towards his
01:28PM 2 son. He was like, Hey, if my son can make 'em through this.
01:28PM 3 You know, he never talk about -- after that initial
01:28PM 4 conversations about Fraser --
01:28PM 5 Q Right.
01:28PM 6 A -- he never talk about 'em after that, you know. He
01:28PM 7 just -- everything was on Caleb trying to get better, making
01:28PM 8 the right decisions for him.
01:28PM 9 Q Okay. So do you go then and have your surgery in Houston?
01:28PM 10 A Yes.
01:28PM 11 Q So what kind surgery was this?
01:28PM 12 A Oh, it was another -- it was another open -- they cut me
01:28PM 13 open again -- cut me open again for place a whole new aortic
01:28PM 14 valve inside me, mechanical valve.
01:28PM 15 Q So this is the third then open heart surgery you've had.
01:28PM 16 A Yes.
01:28PM 17 Q So the first two that you had in Oregon, you said, right?
01:29PM 18 A Yes.
01:29PM 19 Q Did you receive pain killers for -- for that to treat the
01:29PM 20 pain after the surgery --
01:29PM 21 A In --
01:29PM 22 Q -- in Oregon?
01:29PM 23 A I mean, they gave you -- I was in prison, so they no give
01:29PM 24 you like the oxys and stuff. They give you just regular pain
01:29PM 25 killers, you know, like Percocet and stuff like that. But

01:29PM 1 nothing to the extent of what they gave me in Houston.

01:29PM 2 Q Okay. So what did you get in Houston that was different?

01:29PM 3 A Well, in Houston -- well, I was in the surgery. When I

01:29PM 4 came out of surgery -- it was a big surgery, so they had to cut

01:29PM 5 me open, put a whole new valve inside there. They gave me one

01:29PM 6 little button. You know, they told me every time you're in

01:29PM 7 pain, just hit that button. And I just kept hitting the

01:29PM 8 button.

01:29PM 9 Q So this is pain medication that's coming through the IV

01:29PM 10 while you're in the hospital and you can self-administer?

01:29PM 11 A Yes. Yeah, they no tell you nothing. Just tell you if

01:29PM 12 you in pain, just hit the button. I just kept hitting the

01:29PM 13 button, yeah.

01:29PM 14 Q Was the surgery successful?

01:30PM 15 A Yes.

01:30PM 16 Q How long did you have to recover in Texas before you came

01:30PM 17 back to Hawaii?

01:30PM 18 A Oh, not long. Maybe -- maybe a week or something like

01:30PM 19 that. Maybe two weeks I flew back.

01:30PM 20 Q Were you still -- some recuperation time was still

01:30PM 21 involved?

01:30PM 22 A Yeah, yeah, I still couldn't -- I still couldn't move. I

01:30PM 23 couldn't even stand up. I had fluid just leaking out of my --

01:30PM 24 my wound and stuff like that. So...

01:30PM 25 Q Were you prescribed pain medication for when you got home?

01:30PM 1 A Yeah, so when I came home, that's when -- that's when I
01:30PM 2 started getting -- I went back to my regular doctor, and she
01:30PM 3 was like, Yeah, I cannot help you with this. You're in a major
01:30PM 4 amount of pain. You got blood leaking out your wounds every
01:30PM 5 day. So she sent me to a -- she said, Go see a pain management
01:30PM 6 specialist.

01:30PM 7 Q Did you do that?

01:30PM 8 A Yeah.

01:30PM 9 Q Where was this pain management specialist?

01:30PM 10 A In -- in Hawaii Kai.

01:30PM 11 Q And what did they -- what could they do for you?

01:30PM 12 A They would look at me, like, Hey, what are you taking now?

01:31PM 13 And I shown him what I was taking. And he was like, No, no,
01:31PM 14 you need -- you need the top one, the highest dose, you know.
01:31PM 15 So he gave me the -- right away I went from -- I went from just
01:31PM 16 taking regular Vicodin or whatever they was giving me straight
01:31PM 17 to oxy, the highest dose that you could get.

01:31PM 18 Q Had you ever taken oxycodone before?

01:31PM 19 A No, that was the first time.

01:31PM 20 Q So when you say the highest dosage, do you recall the
01:31PM 21 dosage that he prescribed for you?

01:31PM 22 A Whatever the highest dose was, the little blue ones. The
01:31PM 23 little -- I no remember the number, but it was a little --
01:31PM 24 little blue pills.

01:31PM 25 Q How frequently were you advised to take the pain

01:31PM 1 medication?

01:31PM 2 A They told me take em' every two hours. They said just

01:31PM 3 take one every two hours, but I was already -- I started off

01:31PM 4 taking one, but after that the next -- two hours after that I

01:31PM 5 was already taking two. You know, I just went crazy from

01:31PM 6 there.

01:31PM 7 THE COURT: Mr. Inciong, we're at the end of the trial

01:31PM 8 day.

01:31PM 9 MR. INCIONG: Okay. That's fine.

01:32PM 10 THE COURT: All right. So we're at 1:31, 1:32, and we

01:32PM 11 will take our leave for the day.

01:32PM 12 As the jurors are excused, I will remind you again to

01:32PM 13 refrain from discussing the substance of this case with anyone,

01:32PM 14 including each other, until I advise otherwise; to refrain from

01:32PM 15 accessing any media or other accounts of this case that may be

01:32PM 16 out there; and finally, please do not conduct any independent

01:32PM 17 investigation on your own into the facts, circumstances or

01:32PM 18 persons involved.

01:32PM 19 So we will see you here tomorrow morning at 8:30,

01:32PM 20 where we will resume with Mr. Miller's direct examination.

01:32PM 21 (The jury was excused at 1:32 p.m., and the following

01:32PM 22 proceedings were held in open court:)

01:33PM 23 THE COURT: One housekeeping issue before we leave for

01:33PM 24 the day.

01:33PM 25 Mr. Inciong, in 7-23, it's an exhibit that was

01:33PM 1 admitted, and you went over it with Mr. Miller, the photo does
01:33PM 2 not match the exhibit list description.

01:33PM 3 MR. INCIONG: 7-23?

01:33PM 4 THE COURT: Yes.

01:33PM 5 MR. INCIONG: Okay.

01:33PM 6 THE COURT: So 7-23 looks to be an aerial Google view
01:33PM 7 of Jefferson Elementary --

01:33PM 8 MR. INCIONG: Right.

01:33PM 9 THE COURT: -- in Waikiki. The exhibit list
01:33PM 10 description says that it is Waikiki Elementary.

01:33PM 11 MR. INCIONG: Okay. I think we -- we swapped it out,
01:33PM 12 but we didn't change the description. So we'll take care of
01:33PM 13 that. Thank you, Your Honor.

01:33PM 14 THE COURT: There will be many amendments of the
01:33PM 15 various exhibit lists. There already have been. So next time
01:33PM 16 you correct it, please address it.

01:33PM 17 MR. INCIONG: I will.

01:33PM 18 THE COURT: Thank you.

01:33PM 19 MR. INCIONG: Thank you for bringing it up.

01:34PM 20 (Proceedings were concluded at 1:34 p.m.)

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COURT REPORTER'S CERTIFICATE

I, Gloria T. Bediamol, Official Court Reporter, United States District Court, District of Hawaii, do hereby certify that pursuant to 28 U.S.C. §753 the foregoing is a complete, true, and correct transcript from the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

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10 DATED at Honolulu, Hawaii, March 29, 2024.

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13 /s/ Gloria T. Bediamol

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15 RMR, CRR, FCRR

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